

Rufus Code-UP Staff Report and Findings

to **City of Rufus**

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re **Mass Timber Code-UP Staff Report and Findings**
DLCD Mass Timber Code-UP Project

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PURPOSE

The proposed amendments to the Rufus Zoning Ordinance (“Code”) are intended to help facilitate the construction of prefabricated, modular, and manufactured housing products. The proposed Code modifications remove local barriers to permitting and siting housing that is constructed of components manufactured off site, regardless of construction materials. At the same time, proposed local regulatory changes implement the recommendations from the DLCDC Mass Timber Code-UP project, a federally funded effort to advance mass timber as a viable construction component in housing manufacturing. The Code-UP project provides technical assistance to ten jurisdictions to update their development codes consistent with guidance and recommendations identified in the Oregon Prefabricated and Modular Housing Model Code and Audit Workbook.

This report includes a Summary of Proposed Amendments; the proposed text amendments are in a legislative amendment, adoption-ready format in Appendix A. The report concludes with findings to support local adoption of the proposed changes to the Code. For more background on the project and the rationale behind the proposed policy and regulatory modifications specific to Rufus, refer to Appendix B. Rufus Code Updates.

SUMMARY OF PROPOSED AMENDMENTS

The recommended amendments to the Code are in Appendix A to this report. Proposed modifications are focused on removing regulatory barriers to the approval and siting of prefabricated, modular, or manufactured housing products and changing or adding provisions to better support these housing opportunities. Amendments are proposed in the following Code chapters:

- **Section 1.3 – Definitions.** Revise existing housing definitions to be inclusive of prefabricated dwellings and create new definitions that support mass timber modular housing products.
- **Section 3.3 & 3.4 – R-10 and R-5 Zones.** Update residential zoning requirements and standards to allow for and support development of prefabricated and modular housing in the City’s residential zones.
- **Section 4.9. Mobile Homes and Residential Trailers Placed in Mobile Home Parks.** Update this section to allow prefabricated dwellings and to ensure consistency with state statute.
- **Section 4.10. Single-Family Dwelling Siting Standards.** Update this section to meet clear and objective requirements, remove regulatory barriers to prefabricated dwellings, and ensure manufactured home criteria meet state requirements.
- **Section 4.15 Site Plan Approval.** Remove or update any subjective standards to comply with state requirements that jurisdictions have clear and objective standards for permitting housing.

- **Section 4.19 Cottage Clusters [New Section].** Add new specific development and design standards for cottage clusters. This proposed section is based on state model code.
- **Section 4.20 Accessory Dwelling Units (ADU) [New Section].** Add new specific development and design standards for ADUs. This proposed section is based on state model code.

The current proposed action includes additional Code modifications that are informed by state-of-the-practice guidelines related to prefabricated and modular housing, specifically those in the Oregon Prefabricated and Modular Housing Model Code and Audit Workbook.

FINDINGS

Statewide Planning Goals

Goal 1. Citizen Involvement

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Comprehensive Plan Consistency:

The following citizen involvement program from the Rufus Comprehensive Plan are supportive of Goal 1 and applicable to the proposed amendments:

Goal III.

- To provide the opportunity for all citizens to participate in the planning process.*

Policies III.

- That all land use meetings shall be open to the public.*
- That all Land Use Planning meetings shall be advertised in the general circulation newspapers and posted locally.*
- That any resident of the community shall be allowed to participate as a member of the Planning Committee.*

Supportive Findings:

The proposed amendments were coordinated with activities that were intended to engage underrepresented communities to share information about mass timber and prefabricated housing opportunities and understand their thoughts and concerns.

Rufus is holding public hearings with the City Council on August 21, 2024. This hearing is open to the public and will provide an opportunity for community members to comment on the amendments.

Goal 2. Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to ensure an adequate factual base for such decisions and actions.

Comprehensive Plan Consistency:

The Rufus Comprehensive Plan establishes the policy framework as the basis for land use decisions, including those related to housing. The recommended policy and regulatory updates will help promote a

variety of housing types by helping to facilitate prefabricated, modular, and manufactured housing development that will utilize the City's residential land supply in an efficient manner.

Supportive Findings:

The proposed amendments are necessary for consistency with Oregon Revised Statutes related to land use planning (ORS 197 and 197A). The amendments will help ensure Rufus is in compliance with ORS 197.478, which requires local governments to allow prefabricated structures on any lot that allows single-family detached housing as well as in manufactured dwelling parks. In addition, the proposed amendments are consistent with state rules for clear and objective requirements for housing, pursuant to ORS 197A.400.

The findings of fact identified herein establish the factual base for the City's decision to amend the Code. These amendments are subject to public notice, prior to an initial evidentiary hearing before the City Council. Thus, a well-established planning process and policy framework exists within the City and has been utilized to create and adopt the proposed amendments.

Goal 3. Agriculture

To preserve and maintain agricultural lands.

Comprehensive Plan Consistency:

The Rufus Comprehensive Plan does not include any goals or policies supportive of Goal 3.

Supportive Findings:

The proposed amendments apply to development in urban areas and are therefore not directly applicable to land designated for agricultural use. However, the proposed amendments are supportive of goals to encourage development in residential areas in a more compact and efficient land use pattern. Proposed code amendments remove barriers to prefabricated and manufactured dwellings within urbanized areas, which in turn help reduce the pressure to expand into agricultural areas to meet future housing needs.

Goal 4. Forest Lands

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Comprehensive Plan Consistency:

The Rufus Comprehensive Plan does not include any goals or policies supportive of Goal 4.

Supportive Findings:

The proposed Code amendments apply to development in urban areas and therefore are not directly applicable to areas designated forest lands.

Goal 5. Natural Resources, Scenic and Historic Areas, and Open Spaces

To provide natural resources and conserve scenic and historic areas and open spaces.

Comprehensive Plan Consistency:

The following policy from the Rufus Comprehensive Plan is supportive of Goal 5 and applicable to the proposed amendments:

Policies V:

6. That environmental effects to air, water and land resources quality shall be considered in addition to social economic factors when making economic planning decisions.

Supportive Findings:

Statewide Planning Goal 5 requires jurisdictions to inventory lands that contain significant open spaces, scenic resources, historic and cultural resources, and natural areas. The City's natural resource regulations will continue to apply and to protect Goal 5 resources; there are no proposed changes to the standards related to water, air, or sound quality.

Goal 7. Areas Subject to Natural Disasters and Hazards

To protect people and property from natural hazards.

Comprehensive Plan Consistency:

The Rufus Comprehensive Plan does not include any goals or policies supportive of Goal 7.

Supportive Findings:

Statewide Planning Goal 7 requires jurisdictions to apply appropriate safeguards when planning for development in areas subject to natural disasters or floods. The proposed code amendments do not include any changes to the regulations that implement Goal 7 requirements, which includes the City's Food Hazard Ordinance (Ord. No. 03-20). The development restrictions and standards in these regulations that are intended to minimize risk apply to housing development, including prefabricated and manufactured housing.

Goal 9. Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities liable to the health, welfare, and prosperity of Oregon's citizens.

Comprehensive Plan Consistency:

The following Economic Development policy from the Rufus Comprehensive Plan is supportive of Goal 9 and applicable to the proposed amendments:

Goal V:

A. To improve the economy of Rufus and the State.

Supportive Findings:

The proposed amendments will remove regulatory barriers to the development of prefabricated and manufactured housing products, thereby enabling additional housing options to be developed in Rufus. Improving opportunities for a broader range of housing types, including those that can help provide for workforce housing, is one way in which Rufus can provide a supportive environment for the development and expansion of desired businesses and industry.

Goal 10. Housing

To provide for the housing needs of citizens of the state.

Comprehensive Plan Consistency:

The following Housing goals and policies from the Rufus Comprehensive Plan are supportive of Goal 10 and applicable to the proposed amendments:

Goal VII:

A. To provide for housing needs of the existing and future residents of Rufus.

Policies VII:

3. That a range of housing prices and variety of housing types and locations shall be encouraged.

Supportive Findings:

Goal 10 requires jurisdictions to encourage the availability of adequate numbers of needed housing units in price ranges and rent levels commensurate with the financial capabilities of the jurisdiction's households, and to allow for flexibility of housing location, type, and density. Goal 10 defines needed housing types as "all housing on land zoned for residential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes."

Local code amendments are proposed to expand the community's housing options by removing regulatory barriers to the development of prefabricated and manufactured housing products, as well as changing or adding provisions to better support opportunities for more affordable housing, including units constructed of mass timber. Smaller housing units, the components of which are manufactured off-site efficiently, may be more affordable than larger, site-built units. Facilitating construction of prefabricated and manufactured housing will enable more housing choices within existing and new neighborhoods, consistent with Goal 10's requirements around housing flexibility, and may result in housing that is more affordable than existing options.

Goal 11. Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Comprehensive Plan Consistency:

The following Public Facilities and Services goal and policies from the Rufus Comprehensive Plan are supportive of Goal 11 and applicable to the proposed amendments:

Goal VI:

- A. *To provide for efficient development and main facilities and services.*

Policies VI:

5. *That the City shall not provide water or sewer service outside the urban growth boundary.*
6. *That development which may generate the need for urban services and facilities shall be approved only in those areas where such services and facilities area available or anticipated.*
7. *That public facilities and various agency services shall be designed and maintained so as to be as visually attractive as possible.*
8. *That water and sewer services shall be planned for in those areas where urban development is most suitable and desirable.*

Supportive Findings:

Public facilities and services standards will apply to prefabricated and manufactured housing, and the procedures for the review of building permits and land use will continue to apply. In addition, future housing enabled by the proposed code amendments will not change the allowed density, pursuant to planned and zoned land. Therefore, the City's planned public facilities should support additional housing options, consistent with adopted City policies.

Goal 12. Transportation

To provide and encourage a safe, convenient and economic transportation system.

Comprehensive Plan Consistency:

The following Transportation goal and associated policies from the Rufus Comprehensive Plan are supportive of Goal 12 and applicable to the proposed amendments:

Policies VI:**17. Protection of Transportation Facilities Policies (Ord No. 01-04-03)**

- A. *The City of Rufus shall protect the function of existing and planned roadways as identified in the Transportation System Plan.*
- B. *The City of Rufus shall include a consideration of a proposal's impact on existing or planned transportation facilities in all land use decisions.*
- C. *The City of Rufus shall protect the function of existing or planned roadways or roadway corridors through the application of appropriate land use regulations.*
- D. *The City of Rufus shall consider the potential to establish or maintain accessways, paths, or trails prior to the vacation of any public easement or right-of-way.*
- E. *The City of Rufus shall preserve right-of-way for planned transportation facilities through exactions, voluntary dedication, or setbacks.*

Supportive Findings:

City and County street standards and transportation-related requirements will apply to any future housing development – including those that are proposed that will utilize prefabricated or manufactured construction methods. Current adopted transportation standards will help ensure a safe transportation system to support the City's growth, including meeting its obligation to have adequate housing opportunities to meet future housing needs.

Goal 13. Energy

To conserve energy.

Comprehensive Plan Consistency:

The Rufus Comprehensive Plan does not include any goals or policies supportive of Goal 13.

Supportive Findings:

The proposed amendments support energy conservation by helping to facilitate construction of prefabricated/modular and manufactured housing products that, when constructed as single-family dwellings, are generally smaller forms of housing with a lower energy demand. These housing types can be constructed of mass timber panels or modular products which have enhanced insulation properties, thereby promoting energy efficiency by improving home heating and cooling performance. Reducing barriers to permitting and siting prefabricated and modular housing products may also promote a more compact form of housing development, which helps reduce the community's energy use through reduced travel distances and more efficient provision of public services and facilities.

Goal 14. Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Comprehensive Plan Consistency:

The following goal from the Rufus Comprehensive Plan is supportive of Goal 14 and applicable to the proposed amendments:

Goal VIII:

A. To provide for an orderly and efficient transition from rural to urban use.

Supportive Findings:

The proposed amendments support sustainable residential growth, fully utilizing planned residential land, and efficient land use patterns that discourage low-density sprawl. The amendments also support residential land use patterns and housing types that take full advantage of Rufus's zoned residential land, thereby reducing the need for vehicular travel and dependency on the private automobile. Reducing barriers to, and creating more opportunities for, prefabricated and manufactured housing can also facilitate efficient provision of public services and facilities and permit building configurations which increase efficient energy use. The proposed amendments clear the land use approval path to more types of housing, housing options that have the potential to be more affordable for the community and that use residential land more efficiently within the urban growth boundary.

Comprehensive Plan Goals and Policies – Housing**Goal VII:**

A. To provide for housing needs of the existing and future residents of Rufus.

Supportive Findings:

The proposed amendments support a variety of housing types, particularly prefabricated and manufactured housing types that are typically more affordable than site built homes and are expected to gain popularity as a construction type in the coming years.

Policies VII:

- 1. That the City shall make provision for mobile home parks of high standard, with regard to parking, landscaping and sanitation, in all planned residential areas.*

Supportive Findings:

The proposed amendments update development standards for manufactured dwelling parks to be consistent with state statute. These proposed amendments primarily update terminology to be consistent with state definitions and the updated definitions for manufactured dwellings in the code. The proposed code amendments do not change the existing development standards for manufactured dwelling parks and are consistent with the City's policy to accommodate mobile home parks.

Policies VII:

- 2. That a range of housing prices and variety of housing types and locations shall be encouraged.*

Supportive Findings:

The proposed amendments support housing options for all income levels and ages, as well as for vulnerable populations, by lowering barriers to developing prefabricated and manufactured housing, which are typically more affordable than site built homes.

Policies VII:

3. *That areas where residential development exists shall be protected from incompatible land uses.*

Supportive Findings:

The proposed amendments will not change where the City allows residential development. Consistent with City policy, the amendments will not expose residential areas to incompatible land uses.

Rufus Zoning Code Text Amendment Approval Criteria

Section 7.8 (1)(C) Approval Criteria for Amendments.

1. *The applicant must show that the proposed change conforms with the Comprehensive Plan.*
2. *A plan or land use regulation amendment significantly affects a transportation facility if it:

 - a) *Changes the functional classification of an existing or planned transportation facility;*
 - b) *Changes standards implementing a functional classification system;*
 - c) *Allows types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or*
 - d) *Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.**
3. *Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

 - a) *Limiting allowed land uses to be consistent with the planned function of the transportation facility;*
 - b) *Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or*
 - c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.**

Supportive Findings:

The findings for all applicable Statewide Land Use goals and adopted City Goals and Policies in this report show that the proposed action conforms with the Comprehensive Plan. The proposed Code amendments do not contain land use regulation amendments that significantly affect a transportation facility.

CONCLUSIONS

The proposed Code text amendments are consistent with the Comprehensive Plan policies and the Statewide Planning Goals. In particular, the proposed amendments to remove barriers to prefabricated and manufactured housing will support Statewide Planning Goal 10 to provide for the housing needs of residents and will support the City's policies to provide a variety of housing choices to meet the needs and means of wider range of households.

Appendix A. Rufus Zoning Code Amendments

SECTION 1.3 – DEFINITIONS

Accessory Dwelling Unit (ADU). An additional dwelling unit that is located on the same lot as, and is accessory to, a single-family dwelling (referred to as the primary dwelling). The additional unit is smaller than the primary dwelling unit except when the accessory dwelling unit is in an existing basement. The accessory dwelling unit includes all the independent living facilities required for a dwelling unit and is designed for residential occupancy independent of the primary dwelling.

[...]

Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

[...]

Cottage. An individual, detached dwelling unit that is part of a cottage cluster.

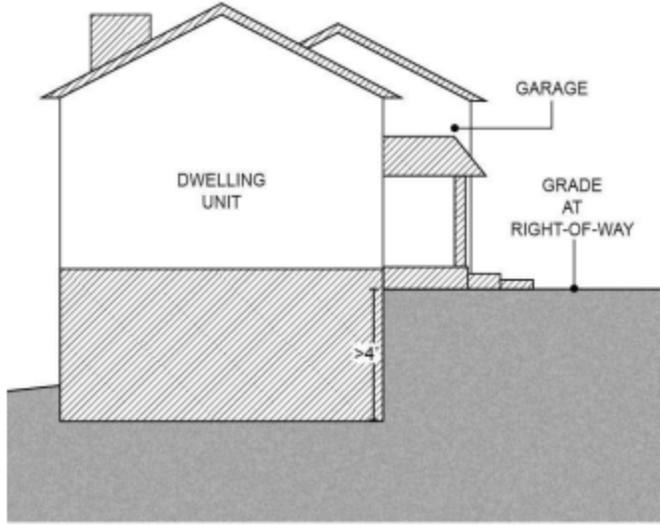
Cottage Cluster: A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage clusters that also meet the definition of “manufactured dwelling park” or “mobile home park” may be subject to additional requirements, pursuant to ORS 446.003 through 446.140.

Cottage Cluster Project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

Floor Area. The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;
- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

Figure 1. Areas Excluded from Floor Area Calculation



[...]

Mobile Home Park. Any privately owned place where two or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.

Manufactured Dwelling Park. Any place where four or more manufactured dwellings or prefabricated dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured dwelling per lot.

Prefabricated Dwelling: A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide, and designed for use as a single-family dwelling.

[...]

Dwelling, Single-Family. Any building designed or used exclusively for occupancy by one family and containing one dwelling unit, including manufactured homes and prefabricated dwellings, and meeting the requirements of Section 4.7.

SECTION 3.2 – RESIDENTIAL-AGRICULTURAL ZONE “RA”

[...]

(2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Article 5.

[...]

~~(E) Mobile Home Park~~

SECTION 3.3 – RESIDENTIAL ZONE “R-10”

(1) PERMITTED USES.

(A) Single family dwelling.

[...]

(E) Accessory dwelling unit (ADU).

(F) Cottage cluster.

(G) Manufactured dwelling park.

[...]

(2) CONDITIONAL USES.

[...]

~~(A) Mobile home park.~~

(7) OFF-STREET PARKING. One off-street parking space shall be provided for each dwelling unit. This requirement does not apply to accessory dwelling units (ADU).

SECTION 3.4 – RESIDENTIAL ZONE “R-5”

(1) PERMITTED USES.

(E) Single family dwelling.

[...]

(E) Accessory dwelling unit (ADU).

(F) Cottage cluster.

(G) Manufactured dwelling park.

[...]

(2) CONDITIONAL USES.

[...]

~~(H) Mobile home park.~~

[...]

- (7) OFF-STREET PARKING. One off-street parking space shall be provided for each dwelling unit. This requirement does not apply to accessory dwelling units (ADU).

SECTION 4.9 – ~~MOBILE HOMES AND RESIDENTIAL TRAILERS PLACED IN MOBILE HOME PARKS~~ MANUFACTURED DWELLING PARKS

When a ~~mobile home or residential trailer~~ manufactured dwelling or prefabricated dwelling is installed in a ~~Mobile Home Park~~ Manufactured Dwelling Park, it shall comply with the state installation standards. The ~~mobile home or residential trailer~~ dwelling shall comply with the following additional provisions.

- (1) The ~~mobile home or residential trailer~~ manufactured dwelling shall have an Oregon insignia. No reconstruction or equipment installation shall have been made to the ~~mobile home~~ manufactured dwelling unless it has been state approved as evidenced by an appropriate insignia. Before installation, the ~~mobile home or residential trailer~~ manufactured dwelling shall be inspected by the Building Official and installation shall be approved only if the Building Official determines the ~~mobile home or residential trailer~~ substantially manufactured dwelling meets the state standards for ~~mobile home~~ manufactured dwelling construction, and notwithstanding any deterioration which may have occurred.
- (2) The ~~mobile home or residential trailer~~ dwelling shall be tied down with devices to meet state standards.
- (3) The ~~mobile home or residential trailer~~ dwelling shall have a water closet, lavatory, and bathtub or shower.
- (4) The ~~mobile home or residential trailer~~ dwelling shall have a kitchen area or room containing a sink.
- (5) The ~~mobile home or residential trailer~~ dwelling plumbing shall be connected to a potable water supply and approved sewage disposal system.
- (6) The ~~mobile home or residential trailer~~ dwelling shall have continuous fireproof skirting.
- (7) Wheels of the ~~mobile home or residential trailer~~ dwelling shall be removed when the unit is installed.
- (8) Except for a structure which conforms to the state definition of a ~~mobile home~~ manufactured dwelling accessory structure, no extension shall be attached to the ~~mobile home or residential trailer~~ manufactured dwelling. Accessory buildings shall be separated from the ~~mobile home~~ manufactured dwelling by not less than 5 feet.
- (9) The ~~mobile home or residential trailer~~ dwelling shall contain at least 500 square feet of space as determined by measurement of the exterior dimensions of the unit, exclusive of any trailer hitch device. The area of an ~~an mobile home~~ accessory structure shall not be included.

SECTION 4.10 – SINGLE-FAMILY DWELLING SITING STANDARDS.

Single-family dwellings, including manufactured homes, meeting the following criteria are allowed on individual lots in specified residential zones.

- (1) ~~SITE BUILT DWELLINGS AND MANUFACTURED~~ ALL SINGLE-FAMILY HOMES.
 - (A) ~~Site built dwellings and manufactured homes shall enclose a space of not less than 840 square feet.~~

- (B) ~~The single family dwelling shall have material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.~~
 - (C) ~~The single-family dwelling shall have a pitched roof with a slope of at least three feet in height for each 12 feet in width.~~
 - (D) ~~Site built dwellings shall have plans and specifications reviewed and approved prior to construction or on-site assembly.~~
- (2) MANUFACTURED HOMES
- (A) ~~The manufactured home may be a single section unit or be a multisectional unit. If a single section unit, the minimum width is 14 feet.~~
 - (B) ~~The manufactured home shall have a foundation of sufficient strength to support the loads imposed by the manufactured home as specified by~~ built to the manufacturer's installation instructions and specifications. Manufactured home placements shall be reviewed and approved by the City's designated building official. In the absence of the specific manufactured home installation instructions, installation of the manufactured home shall follow the installation requirements outlined in Oregon Administrative Rules, Chapter 918. Skirting which shall be composed of concrete or pumice blocks and shall be recessed and attached to permanent continuous footing which maintain the bottom of the floor joists at no more than twelve inches (12") above the finish grade.

SECTION 4.15 – SITE PLAN APPROVAL

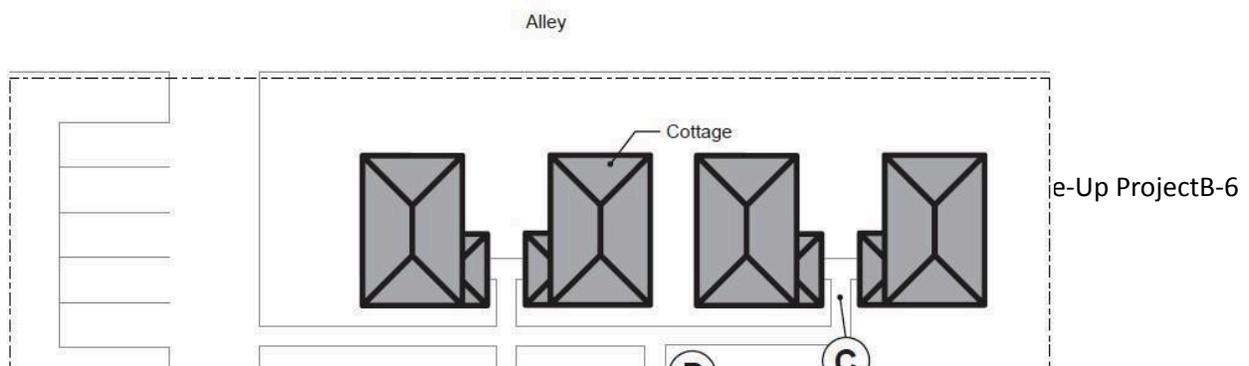
- (1) PURPOSE. The purpose of the site plan approval process is to provide the City with a detailed drawing or drawings of a proposed land use. A site plan shall be provided for all proposed uses other than single-family, ~~or duplex, cottage cluster, accessory dwelling unit (ADU), residential uses and/or accessory structures.~~ cottage cluster, accessory dwelling unit (ADU), residential uses and/or accessory structures.

SECTION 4.19 COTTAGE CLUSTERS

Cottage clusters shall meet the standards of this section in addition to any other applicable zoning or development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

- (1) Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
- (2) Maximum Footprint. The maximum footprint for a cottage within a cottage cluster is 900 square feet.
- (3) Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
- (4) Building Height. The maximum building height for all structures is 25 feet.

- (5) 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:
- (A) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - (B) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 1. Have a main entrance facing the common courtyard;
 2. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 3. Be connected to the common courtyard by a pedestrian path.
 - (C) Cottages within 20 feet of a street property line may have their entrances facing the street. Such street-facing cottages shall count toward the minimum 50 percent orientation requirement in subsection (5)(B) of this section.
 - (D) 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.
- (6) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:
- (A) The common courtyard must be a single, contiguous piece.
 - (B) Cottages must abut the common courtyard on at least two sides of the courtyard.
 - (C) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (5)).
 - (D) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - (E) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 - (F) 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.



- (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.

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

(A) Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (3).

(B) A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

(8) Pedestrian Access.

(A) An accessible pedestrian path must be provided that connects the main entrance of each cottage 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.

(B) The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

(9) Parking Design.

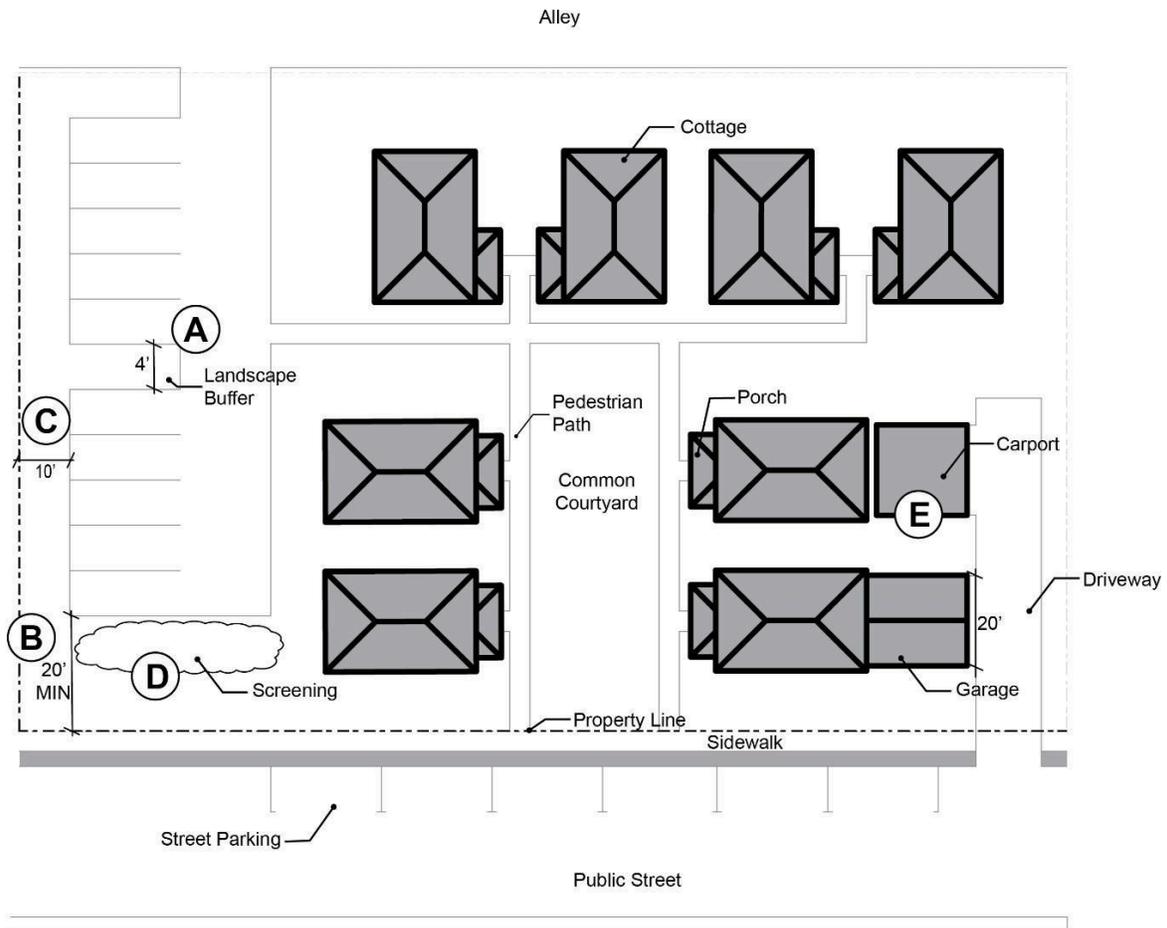
(A) Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

1. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
2. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
3. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
4. Clustered parking areas may be covered.

(10) Parking location and access.

(A) Off-street parking spaces and vehicle maneuvering areas shall not be located:

1. Within of 20 feet from any street property line, except alley property lines;
 2. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
- (B) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- (11) Screening. Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
- (12) Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
- (13) Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
- (A) The existing dwelling may be nonconforming with respect to the requirements of this code.
 - (B) The existing dwelling may be expanded up to the maximum height in subsection 4; however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
 - (C) The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
- (14) The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (5)(A).



- 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.

SECTION 4.20 ACCESSORY DWELLING UNITS (ADU)

Accessory dwelling units (ADU) shall meet the standards of this Section (4.20) in addition to any other applicable zoning and development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

(1) Accessory Dwelling Unit Development Standards

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

(B) Floor area.

1. Detached ADUs shall not exceed 900 square feet of floor area, or 85 percent of the primary dwelling's floor area, whichever is smaller.
2. Detached ADUs shall not exceed 900 square feet of floor area, or 85 percent of the primary dwelling's floor area, whichever is smaller. However, ADUs that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the ADU would be more than 900 square feet.

(C) Other development standards. ADUs shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

- (A) Conversion of an existing legal non-conforming structure to an ADU is allowed, provided that the conversion does not increase the non-conformity.
- (B) Off-street parking is not required for an ADU.
- (C) ADUs are not included in density calculations.

Appendix B. Code Updates Memo

to **City of Rufus and DLCD**
from **Brandon Crawford, Emma-Quin Smith, Darci Rudzinski, and Kate Rogers, MIG**
re **Rufus Draft Code Update**
DLCD Mass Timber Code-UP Project
date **7/25/2024**

Introduction and Background

This memo proposes updates to the Rufus Zoning Ordinance (adopted 2005) that are intended to help facilitate the construction of mass timber and other modular or prefabricated housing products. The recommendations herein are based on an audit of current development regulations and are supported by adopted City housing policy, which is reviewed in the next section, Comprehensive Plan Review and Recommendations. For simplicity, the Rufus Zoning Ordinance will be referred to as the “Code” in this memo.¹ The recommended updates to the Code are guided by the Oregon Prefabricated and Modular Housing Model Code and Audit Workbook and are the result of an audit performed for Rufus (see Attachment).

This update to the Code is part of the DLCD Mass Timber Development Code Update (Code-UP) project, which includes three parts:

- 1) Create a Prefabricated and Modular Housing Model Code and Audit Workbook (mentioned above) to assist local governments in updating their development codes to facilitate all types of prefabricated and manufactured housing development.
- 2) Provide technical assistance to ten jurisdictions (including Rufus) to update their development codes consistent with guidance and recommendations identified in the Prefabricated and Modular Housing Model Code and Audit Workbook.
- 3) Engage underrepresented communities to share information about mass timber housing opportunities and understand their thoughts and concerns. Assist each participating jurisdiction in communicating the regulatory changes necessary to allow mass timber modular housing and other types of prefabricated, modular, and manufactured housing and provide support through the legislative code amendment/adoption process.

The Code-UP project is a component of a wider initiative being led by the Oregon Mass Timber Coalition (OMTC) to promote the development of mass timber construction in Oregon. Mass timber modular housing is an innovative construction approach that combines the use of engineered wood products (mass timber) with the benefits of off-site modular or prefabricated construction. The Code-UP project is also occurring in conjunction with the Mass Timber Equitable Engagement project, which is intended to inform communities about mass timber modular housing and understand each community’s views and

¹ It is common for a jurisdiction’s zoning and land development regulations to be part of the municipal code. Therefore, local governments often refer to the documents that contain these regulations as their “code” for shorthand.

potential concerns related to mass timber.² For more information and background on the Code-UP project, visit the [Mass Timber Modular Housing Code-UP Project webpage](#).

Comprehensive Plan Review and Recommendations

A review of the City’s housing Goal and Policies in the adopted 2007 Comprehensive Plan confirmed that the City supports increasing supply and providing a range of housing types. Specifically, Part VII – Housing – includes a goal and policies that broadly support housing. The City’s adopted housing goal and policies are shown below. The proposed Policy 1 modification, shown in text that is ~~struck out~~ and underlined, replaces the term “mobile home” with “manufactured dwelling,” consistent with the terminology that the state uses.

- **Goal VII** – *To provide for housing needs of the existing and future residents of Rufus.*
- **Policies VII:**
 1. *That the City shall make provision for ~~mobile home~~ manufactured dwelling parks of high standard, with regard to parking, landscaping and sanitation, in all planned residential areas.*
 2. *That a range of housing prices and variety of housing types and locations shall be encouraged.*
 3. *That areas where residential development exists shall be protected from incompatible land uses.*

The existing Comprehensive Plan housing goal and policies do not conflict with the recommended Code updates.

Code Amendments

The recommended Code amendments are focused on removing regulatory barriers to the development of prefabricated and modular housing products and changing or adding provisions to better support mass timber opportunities. Prefabricated and manufactured housing are both forms of factory-built housing and they share many characteristics. Therefore, manufactured housing is also addressed in the recommendations, with several modifications directly related to consistency with state requirements for manufactured housing and prefabricated housing.

The terms “prefabricated” and “modular” are sometimes used interchangeably; the term “prefabricated” is recommended in the proposed Code text for consistency with state statute.

Text modifications are included for the following Code chapters and sections:

- **Section 1.3 – Definitions.** Revise existing housing definitions to be inclusive of prefabricated dwellings and create new definitions that support mass timber modular housing products.
- **Section 3.3 & 3.4 – R-10 and R-5 Zones.** Update residential zoning requirements and standards to allow for and support development of prefabricated and modular housing in the City’s residential zones.
- **Section 4.9. Mobile Homes and Residential Trailers Placed in Mobile Home Parks.** Update this section to allow prefabricated dwellings and to ensure consistency with state statute.

² Public outreach is the focus of the Equitable Engagement activities. To support adoption of updated land use regulations, the project management team consisting of the consultant and DLCD staff will provide information and support through the legislative code amendment and public adoption process. Public outreach activities will also be coordinated with engagement tasks that are part of the other Code update project.

- **Section 4.10. Single-Family Dwelling Siting Standards.** Update this section to meet clear and objective requirements, remove regulatory barriers to prefabricated dwellings, and ensure manufactured home criteria meet state requirements.
- **Section 4.15 Site Plan Approval.** Remove or update any subjective standards to comply with state requirements that jurisdictions have clear and objective standards for permitting housing.
- **Section 4.19 Cottage Clusters [New Section].** Add new specific development and design standards for cottage clusters. This proposed section is based on state model code.
- **Section 4.20 Accessory Dwelling Units (ADU) [New Section].** Add new specific development and design standards for ADUs. This proposed section is based on state model code.

Proposed Code modifications are presented in an underline/~~strikeout~~ legislative amendment format, where underlined text indicates new text, and strikeout indicates existing, adopted text recommended for removal. A description and summary of the proposed updates are provided in the gray text boxes for each section. Other Code text may be included for context and reference, otherwise the only sections that are shown are those that have recommended amendments.

SECTION 1.3 – DEFINITIONS

The City should update definitions that could have the effect of precluding or limiting prefabricated or manufactured housing and adding definitions needed to support proposed amendments in other sections of the Code.

ADUs

ADUs represent an opportunity for the use of prefabricated and manufactured housing. The City should consider allowing ADUs and adding a new ADU definition. As long as the ADU definition does not preclude the siting of a prefabricated or manufactured dwelling, it is not necessary for those construction types to be specifically listed in the definition. Jurisdictions generally allow one ADU per single-family dwelling, however some communities allow up to two ADUs per lot and/or allow ADUs to be sited with other housing types, such as duplexes.

Cottage Cluster

Cottage cluster housing provides an excellent opportunity to utilize prefabricated construction or manufactured homes to provide more affordable housing options. Therefore, the City should consider allowing cottage clusters and adding a new definition and code section regulating cottage clusters. The definition of cottage cluster that is used in state statute (ORS 197A.420(1)(b)) may be suitable.³ The City may also consider additional definitions for terms that are used in the proposed cottage cluster standards. Included below are definitions from the cottage cluster model code for the following terms: common courtyard, cottage, cottage cluster project, and floor area.

³ Note, because Rufus is under 25,000 in population, and therefore not subject to the cottage cluster requirements of ORS 197A.420, the City is not required to be consistent with the statutory definition for cottage clusters.

Cottage clusters that are composed of manufactured or prefabricated dwellings may also overlap with the definition of “manufactured dwelling park,” if the cluster development provides spaces for rent. Manufactured dwelling parks with more than six units are subject to the requirements for “Mobile Home and Manufactured Dwelling Parks” in ORS 446.003 to 446.140. To address this potential overlap, we recommend that the City note in the cottage cluster definition that if the development also meets the definition of manufactured dwelling park, it may be subject to additional standards in ORS 446.

Note – the Code currently numbers each definition. For simplicity, the recommendations do not include the numbering order. Also note for legibility that some of the definitions are not in the order they appear in the Code. The current numbering and updated order will be shown in formatted text for the legislative adoption draft of the Code, as proposed to be amended.

Accessory Dwelling Unit (ADU). An additional dwelling unit that is located on the same lot as, and is accessory to, a single-family dwelling (referred to as the primary dwelling). The additional unit is smaller than the primary dwelling unit except when the accessory dwelling unit is in an existing basement. The accessory dwelling unit includes all the independent living facilities required for a dwelling unit and is designed for residential occupancy independent of the primary dwelling.

[...]

Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

[...]

Cottage. An individual, detached dwelling unit that is part of a cottage cluster.

Cottage Cluster: A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage clusters that also meet the definition of “manufactured dwelling park” or “mobile home park” may be subject to additional requirements, pursuant to ORS 446.003 through 446.140.

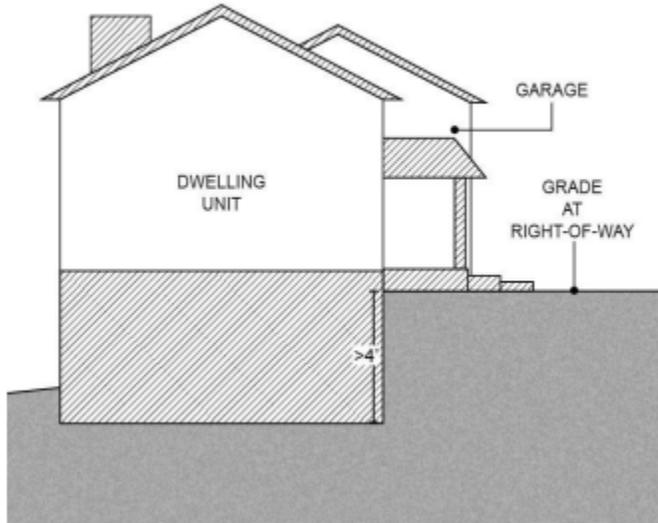
Cottage Cluster Project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

Floor Area. The total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):

- Areas where the elevation of the floor is 4 feet or more below the adjacent right-of way;
- Roof area, including roof top parking;

- Roof top mechanical equipment; and
- Roofed porches, exterior balconies, or other similar areas, unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

Figure 1. Areas Excluded from Floor Area Calculation



[...]

Manufactured and Prefabricated Dwellings

Changes to State law, including House Bill 4064 (HB 4064, 2022),⁴ have resulted in updates to the definitions and regulations related to manufactured dwellings, prefabricated structures, and manufactured dwelling parks. This includes changes to the statute that requires local governments to allow manufactured and prefabricated homes wherever single-family detached homes are allowed. The City should add a new definition for “prefabricated dwelling,” as explained in the next commentary box. The definitions under manufactured dwelling are consistent with the state’s definitions.

The City should use the term “manufactured dwelling park” instead of “mobile home park.”⁵ Regardless of which term is used, the definition should be updated to include prefabricated dwellings. In addition, the City should update the definition to be consistent with the state’s current definition.⁶

⁴ House Bill 4064. <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB4064>

⁵ While the state definition of manufactured dwelling park does not include a reference to recreational vehicles, pursuant to ORS 197.493(1)(b), jurisdictions may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle as a residential dwelling, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is occupied as a residential dwelling; and lawfully connected to water and electrical supply systems and a sewage disposal system.

⁶ORS 446.003(20), as simplified for the purposes of these code amendments.

Manufactured Dwelling.

- (A) *Residential Trailer*--a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.
- (B) *Mobile Home*--a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon Mobile Home law in effect at the time of construction.
- (C) *Manufactured Home*--a dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standards.
 - 1. For any purpose other than that set forth in subparagraph 2 of this paragraph, "manufactured home" means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or
 - 2. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.
 - 3. "Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

~~**Mobile Home Park.** Any privately owned place where two or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.~~

Manufactured Dwelling Park. Any place where four or more manufactured dwellings or prefabricated dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. A manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured dwelling per lot.

Prefabricated Dwelling

Because the state specifically requires local governments to allow prefabricated dwellings on properties where site-built single-family dwellings are allowed and in manufactured dwelling parks, we recommend the City add a definition for prefabricated dwelling. The recommended definition of prefabricated dwelling is consistent with the

ORS 197A.015 definition of “prefabricated structure.”⁷ To distinguish such residential structures from the more general “prefabricated structure” definition in ORS 455.010 (which includes things like accessory buildings), the term “prefabricated dwelling” is recommended.

Note that jurisdictions are free to make their local definitions more flexible than the ORS definition, provided all statutory requirements are met. Prefabricated dwellings constructed on individual lots and meeting building code standards need not necessarily be 8.5 feet wide or “relocatable.” An alternate, more flexible definition is as follows:

A prefabricated structure, as defined in ORS 455.010, that is designed for residential occupancy in accordance with local and/or state building regulations.

Single-Family Detached Dwelling

The City should update the existing definition for “dwelling, single-family” to include prefabricated dwellings. This can help simplify the application of development and design standards, since prefabricated dwellings cannot be subject to more restrictive standards than single-detached dwellings.

Prefabricated Dwelling: A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide, and designed for use as a single-family dwelling.

[...]

Dwelling, Single-Family. Any building designed or used exclusively for occupancy by one family and containing one dwelling unit, including manufactured homes and prefabricated dwellings, and meeting the requirements of Section 4.7.

SECTION 3.2 – RESIDENTIAL-AGRICULTURAL ZONE “RA”

[...]

(2) CONDITIONAL USES. Permitted with approval of the City Council in accordance with Article 5.

[...]

~~(E) Mobile Home Park~~

SECTION 3.3 – RESIDENTIAL ZONE “R-10”

Accessory dwelling units (ADUs)

⁷ ORS 197A.015 Land Use Planning: Housing and Urbanization.
https://www.oregonlegislature.gov/bills_laws/ors/ors197A.html

ADUs are not listed as a permitted use in either residential zone (R-10 or R-5). ADUs improve prefabricated housing development opportunities as well as provide additional housing options. The City may also wish to consider allowing ADUs in the Residential Agricultural (RA) zone.

Cottage Clusters

Neither of the residential zones provide for cottage clusters or similar housing types that would allow a more compact design of small, detached dwellings. Cottage cluster development offers an excellent opportunity to provide additional housing options that utilize prefabricated and modular products; given that, the City may wish to consider including standards to allow this housing type in the residential zones.

Manufactured Dwelling Park

Mobile home parks (recommended to be renamed as “manufactured dwelling parks,”) are allowed as a conditional use in both residential zones. Local governments must provide a clear and objective path to approval for all allowed housing types (ORS 197A.400). Therefore, the City cannot require a discretionary Conditional Use permit for approval of mobile home parks. To address this issue, the City should move mobile home parks from a conditional use to a permitted use and consider the types of clear and objective standards that could be applied to their development as a part of a future code update. In addition, the City allows mobile home parks as a conditional use in the RA zone. The City should remove mobile home parks as a conditional use to ensure consistency with state rules for clear and objective standards.

Note – There are other housing types allowed in Rufus as a conditional use, such as “duplexes” and “apartments,” that will also need to be allowed through a clear and objective approval path in the residential zones. The City may consider allowing these housing types outright as a part of this code update project or as part of a future code update.

(3) PERMITTED USES.

(A) Single family dwelling.

[...]

(H) Accessory dwelling unit (ADU).

(I) Cottage cluster.

(J) Manufactured dwelling park.

[...]

(4) CONDITIONAL USES.

[...]

~~(A) Mobile home park.~~

Off-Street Parking

The City should consider exempting ADUs from any parking requirements, as off-street parking can limit a property owner's options and flexibility for siting an ADU.

NOTE: Section 4.14 includes different off-street parking requirements from the standards listed in the residential sections (two off-street spaces in Section 4.14, which conflicts with the one space per unit listed here). One of these sections should be updated to be consistent with the other – the City will need to determine whether one or two spaces per unit is more appropriate for Rufus. If the City defers to the standards in Section 4.14, then cottage cluster parking standards will need to be added.

- (8) OFF-STREET PARKING. One off-street parking space shall be provided for each dwelling unit. This requirement does not apply to accessory dwelling units (ADU).

SECTION 3.4 – RESIDENTIAL ZONE “R-5”

(3) PERMITTED USES.

(E) Single family dwelling.

[...]

(H) Accessory dwelling unit (ADU).

(I) Cottage cluster.

(J) Manufactured dwelling park.

[...]

(4) CONDITIONAL USES.

[...]

~~(J) Mobile home park.~~

[...]

- (8) OFF-STREET PARKING. One off-street parking space shall be provided for each dwelling unit. This requirement does not apply to accessory dwelling units (ADU).

SECTION 4.9 – ~~MOBILE HOMES AND RESIDENTIAL TRAILERS PLACED IN MOBILE HOME PARKS~~ MANUFACTURED DWELLING PARKS

The following Code update recommendations are primarily intended to ensure consistency with the state’s definitions related to manufactured dwellings. The regulations refer to “mobile homes” and “residential trailers,” but “manufactured homes” can also be placed in manufactured dwelling parks. In addition, because prefabricated dwellings must be allowed in manufactured dwelling parks, any standard that applies to all types of dwellings should just use the term “dwelling” instead of specifying the type of unit.

Note – it is our interpretation that this section is intended to apply to manufactured homes as well as mobile homes and residential trailers. The City will need to confirm whether our interpretation is correct or if this section is only intended for mobile homes and residential trailers.

When a ~~mobile home or residential trailer~~ manufactured dwelling or prefabricated dwelling is installed in a ~~Mobile Home Park~~ Manufactured Dwelling Park, it shall comply with the state installation standards. The ~~mobile home or residential trailer~~ dwelling shall comply with the following additional provisions.

- (10) The ~~mobile home or residential trailer~~ manufactured dwelling shall have an Oregon insignia. No reconstruction or equipment installation shall have been made to the ~~mobile home~~ manufactured dwelling unless it has been state approved as evidenced by an appropriate insignia. Before installation, the ~~mobile home or residential trailer~~ manufactured dwelling shall be inspected by the Building Official and installation shall be approved only if the Building Official determines the ~~mobile home or residential trailer~~ manufactured dwelling meets the state standards for ~~mobile home~~ manufactured dwelling construction, and notwithstanding any deterioration which may have occurred.
- (11) The ~~mobile home or residential trailer~~ dwelling shall be tied down with devices to meet state standards.
- (12) The ~~mobile home or residential trailer~~ dwelling shall have a water closet, lavatory, and bathtub or shower.
- (13) The ~~mobile home or residential trailer~~ dwelling shall have a kitchen area or room containing a sink.
- (14) The ~~mobile home or residential trailer~~ dwelling plumbing shall be connected to a potable water supply and approved sewage disposal system.
- (15) The ~~mobile home or residential trailer~~ dwelling shall have continuous fireproof skirting.
- (16) Wheels of the ~~mobile home or residential trailer~~ dwelling shall be removed when the unit is installed.
- (17) Except for a structure which conforms to the state definition of a ~~mobile home~~ manufactured dwelling accessory structure, no extension shall be attached to the ~~mobile home or residential~~

~~trailer manufactured dwelling~~. Accessory buildings shall be separated from the ~~mobile home~~ manufactured dwelling by not less than 5 feet.

- (18) The ~~mobile home or residential trailer~~ dwelling shall contain at least 500 square feet of space as determined by measurement of the exterior dimensions of the unit, exclusive of any trailer hitch device. The area of an ~~mobile home~~ accessory structure shall not be included.

SECTION 4.10 – SINGLE-FAMILY DWELLING SITING STANDARDS.

Some of the prescriptive architectural and development standards required for single-family dwellings could be challenging for prefabricated or modular housing to meet, as these construction types typically have less flexibility for customization than site-built homes. Requiring a minimum dwelling size could also preclude small or tiny homes, which provide good opportunities for prefabricated housing. There are also standards in this section that are subjective, as well as requirements specific to manufactured homes that are more restrictive than standards that apply to site-built single family homes. Suggested modifications are to ensure that requirements can be applied through a clear and objective decision process, regardless of housing type. The City may consider updating some of the siting standards to be clear and objective. For example, if building materials are a concern, the City may provide a list of prohibited materials.

Single-family dwellings, including manufactured homes, meeting the following criteria are allowed on individual lots in specified residential zones.

- (3) ~~SITE-BUILT DWELLINGS AND MANUFACTURED~~ ALL SINGLE-FAMILY HOMES.
- (A) ~~Site built dwellings and manufactured homes shall enclose a space of not less than 840 square feet.~~
 - (B) ~~The single family dwelling shall have material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.~~
 - (C) ~~The single-family dwelling shall have a pitched roof with a slope of at least three feet in height for each 12 feet in width.~~
 - (D) ~~Site built d~~ Dwellings shall have plans and specifications reviewed and approved prior to construction or on-site assembly.
- (4) MANUFACTURED HOMES
- (A) ~~The manufactured home may be a single section unit or be a multisectional unit. If a single section unit, the minimum width is 14 feet.~~
 - (B) ~~The manufactured home shall have a foundation of sufficient strength to support the loads imposed by the manufactured home as specified by~~ built to the manufacturer's installation instructions and specifications. Manufactured home placements shall be reviewed and approved by the City's designated building official. In the absence of the specific manufactured home installation instructions, installation of the manufactured home shall follow the installation requirements outlined in Oregon Administrative Rules, Chapter 918. Skirting which shall be composed of concrete or pumice blocks and shall be

recessed and attached to permanent continuous footing which maintain the bottom of the floor joists at no more than twelve inches (12") above the finish grade.

- (C) The placement of a manufactured home shall be reviewed and approved by the City's Building Official through the City's permitting process.

SECTION 4.15 – SITE PLAN APPROVAL

Site plan approval applies to all uses except single family and duplex residential uses. Many of the site plan criteria are subjective and therefore do not comply with state requirements for clear and objective standards for housing. Therefore, the City should exempt cottage clusters, ADUs, and manufactured dwelling parks from site plan approval or establish clear and objective criteria for their approval.

For reference, the complete site design criteria are included below, and each subjective (i.e., non-clear and objective) criterion or standard that would need discretion for approval is highlighted in yellow. As part of a future Code update, the City should consider exempting all other housing types (e.g., apartments) from site plan approval and consider the types of clear and objective standards to apply to housing.

- (2) PURPOSE. The purpose of the site plan approval process is to provide the City with a detailed drawing or drawings of a proposed land use. A site plan shall be provided for all proposed uses other than single-family, ~~or duplex~~, cottage cluster, accessory dwelling unit (ADU), residential uses and/or accessory structures.
[...]
- (3) Site Plan Review Criteria. The following criteria shall be used in evaluation proposals.
- (A) Grading. The grading and contouring of the site shall take place and on-site surface drainage and on-site storage of surface water facilities are constructed when necessary, so there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan may be required.
- (B) Public Facilities. Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of onsite and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities may be required. Onsite detention or treatment of stormwater may be required.
- (C) Natural Features. Where existing natural or topographic features are present they shall be used to enhance the development (i.e., the use of small streams in the landscaping design, rather than culvert and fill).
- (D) Trees. Existing trees shall be left standing except where necessary for building placement, sun exposure safety or other valid purpose. Vegetative buffers should be left along major streets or highways, or to separate adjacent uses.

- (E) Storage. All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.
- (F) (F) Equipment Storage. Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of the Municipal Code relative to noise, if any.
- (G) The following criteria shall be applied to the maximum extent possible without causing significant adverse impacts on the operating efficiency of the proposed use:
 1. Compatibility-- The height, bulk and scale of buildings shall be compatible with the site and the buildings in the vicinity. Use of materials shall promote harmony with surrounding structures and sites.
 2. Design -- Monotony design in single or multiple projects shall be avoided. Variety of detail, form and siting shall be used to provide visual interest.
 3. Orientation -- Buildings shall have their orientation toward the street rather than the parking area. A main entrance shall be oriented to the street. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets.
 4. Parking -- Parking areas shall be located behind the buildings or on one or both sides.

SECTION 4.19 COTTAGE CLUSTERS [NEW SECTION]

As mentioned, we recommend that the City consider adopting new standards to facilitate cottage cluster housing. The recommended cottage cluster Code section below is adapted from DLCD's Middle Housing Model Code, and includes provisions for dwelling size, a shared courtyard area, community buildings, pedestrian connections, parking design, and other issues unique to cottage cluster housing.⁸ The Model Code was developed for jurisdictions that are required to comply with ORS 197A.420 / House Bill 2001 (2019) and is consistent with the Administrative Rules in OAR 660-046. Although Rufus is not required to comply with state cottage cluster requirements, we recommend the model code text as best practice for enabling cottage cluster development, with modifications as necessary to fit local circumstances (provided those modifications are clear and objective).

⁸ Middle Housing Model Code.

https://www.oregon.gov/lcd/Commission/Documents/2020_12_Item-2-Attachment%20C_LMCMC_Commission%20Draft_final_120220.pdf

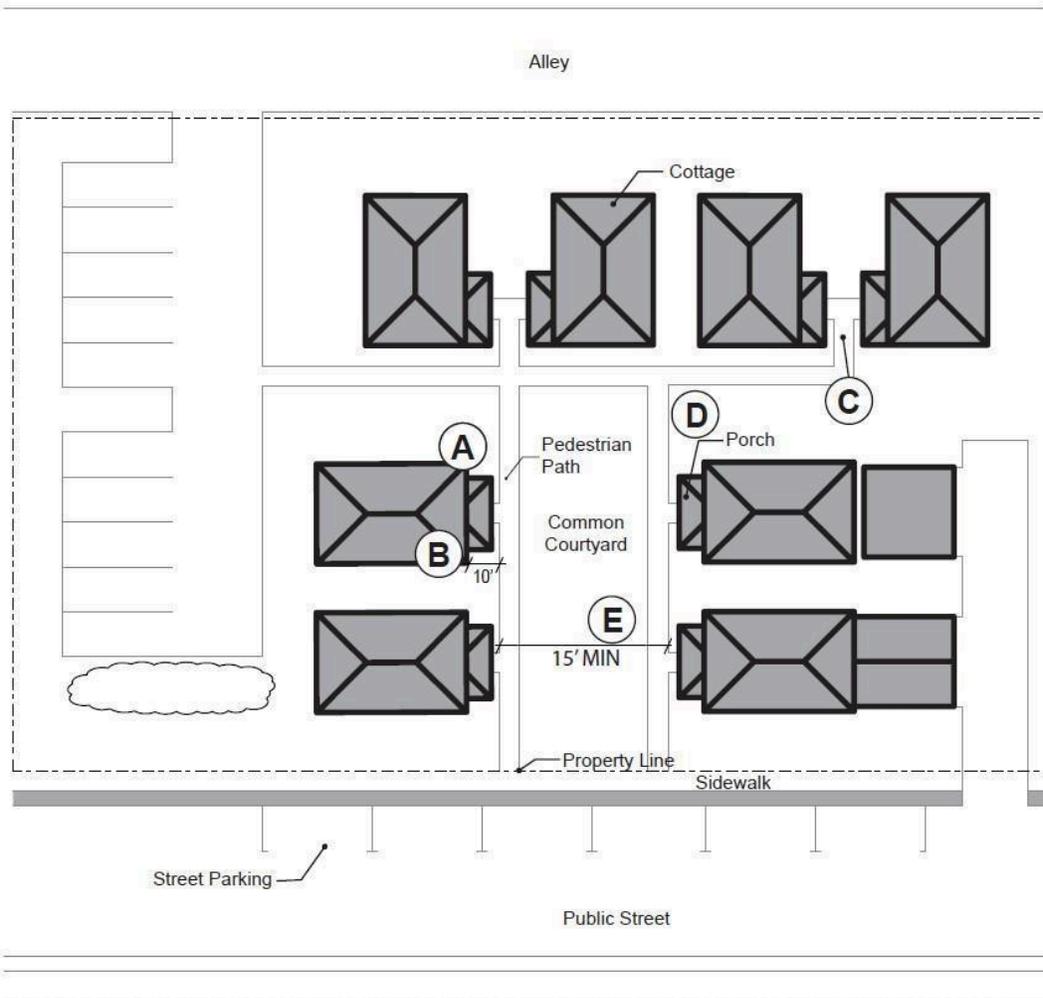
Cottage clusters shall meet the standards of this section in addition to any other applicable zoning or development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

- (15) Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
- (16) Maximum Footprint. The maximum footprint for a cottage within a cottage cluster is 900 square feet.
- (17) Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
- (18) Building Height. The maximum building height for all structures is 25 feet.
- (19) 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:
 - (A) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - (B) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - 1. Have a main entrance facing the common courtyard;
 - 2. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - 3. Be connected to the common courtyard by a pedestrian path.
 - (C) Cottages within 20 feet of a street property line may have their entrances facing the street. Such street-facing cottages shall count toward the minimum 50 percent orientation requirement in subsection (5)(B) of this section.
 - (D) 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.
- (20) Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:
 - (A) The common courtyard must be a single, contiguous piece.
 - (B) Cottages must abut the common courtyard on at least two sides of the courtyard.
 - (C) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (5)).

(D) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

(E) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

(F) 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.



(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.

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

(A) Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (3).

(B) A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

(22) Pedestrian Access.

(A) An accessible pedestrian path must be provided that connects the main entrance of each cottage 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.

(B) The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

(23) Parking Design.

(A) Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

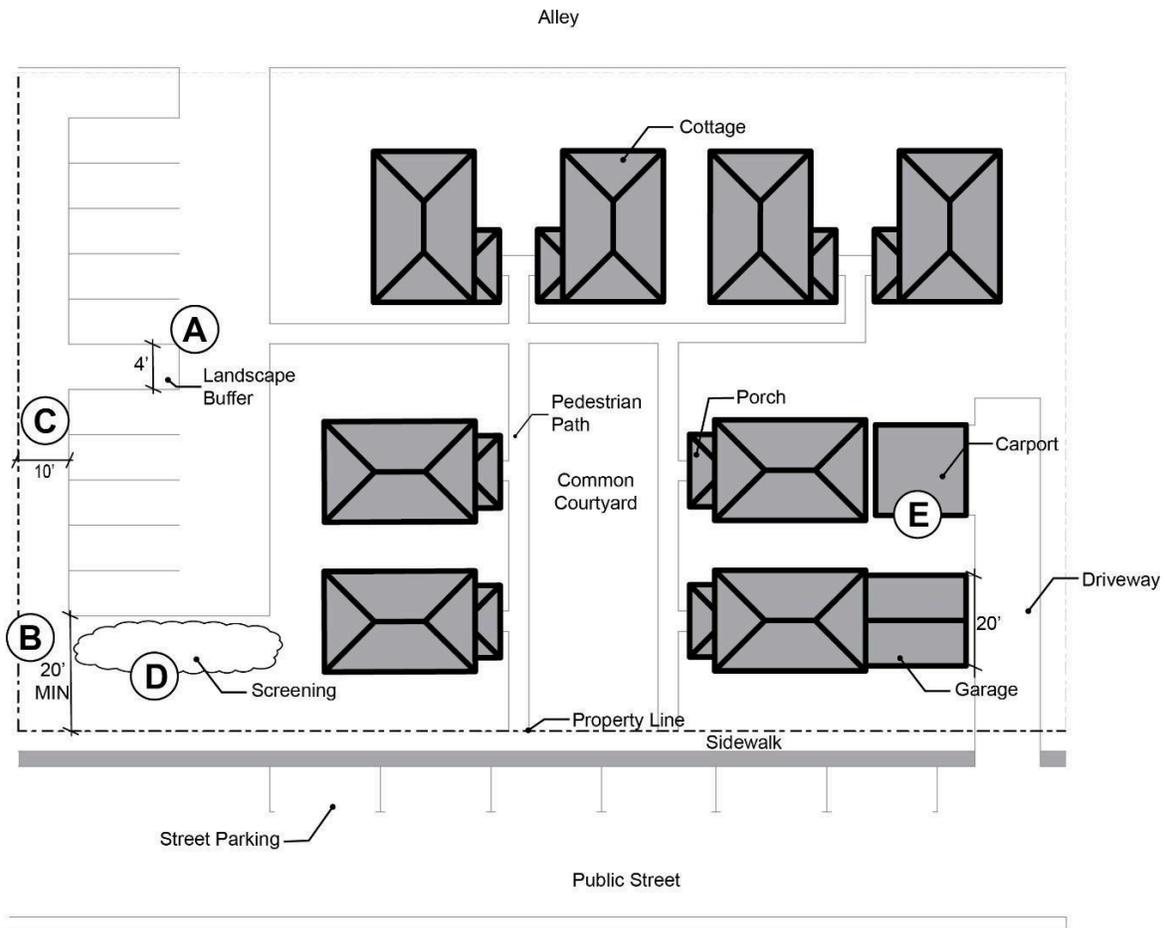
1. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
2. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
3. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
4. Clustered parking areas may be covered.

(24) Parking location and access.

(A) Off-street parking spaces and vehicle maneuvering areas shall not be located:

1. Within of 20 feet from any street property line, except alley property lines;
2. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

- (B) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- (25) Screening. Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
- (26) Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
- (27) Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
- (A) The existing dwelling may be nonconforming with respect to the requirements of this code.
- (B) The existing dwelling may be expanded up to the maximum height in subsection 4; however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.
- (C) The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
- (28) The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (5)(A).



- (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.

SECTION 4.20 ACCESSORY DWELLING UNITS (ADU)

ADUs represent a promising opportunity for the use of prefabricated and modular housing. In addition to the recommended updates for ADUs discussed for Section 1.3 - Definitions, the City may consider adding a new article to include ADU-specific standards. The recommended ADU standards in this new Article are based on the DLCD guidance for ADU implementation.⁹ Note that this guidance is specific to implementation of ORS 197A.425 which applies to cities with populations greater than 2,500. Although Rufus is not subject to these state requirements, the implementation guidance serves as a model for local implementation of ADUs regardless of a city's size. Cities not required to comply with ORS 197A.425 may still choose to adopt model code text, modified as necessary to fit local circumstances, provided those modifications are clear and objective.

Accessory dwelling units (ADU) shall meet the standards of this Section (4.20) in addition to any other applicable zoning and development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

Consistent with the recommended definition for ADU, the recommendation below is for a maximum of one unit per single-family dwelling. However, the City may also consider allowing multiple ADUs per lot or allowing them with other housing types, such as duplexes.

(2) Accessory Dwelling Unit Development Standards

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

The ADU model code includes some options for communities to select a certain standard within a range of dimensions (e.g., floor area square feet). Those options are highlighted in green brackets below.

(B) Floor area.

3. Detached ADUs shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling's floor area, whichever is smaller.

4. Detached ADUs shall not exceed [800-900] square feet of floor area, or [75-85] percent of the primary dwelling's floor area, whichever is smaller. However, ADUs that result from the conversion of a level or floor (e.g., basement, attic, or second

⁹ Guidance on Implementing The Accessory Dwelling Units (ADU) Requirements
https://www.oregon.gov/lcd/Publications/ADU_Guidance_updatedSept2019.pdf

story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the ADU would be more than [800-900] square feet.

(C) Other development standards. ADUs shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

(D) Conversion of an existing legal non-conforming structure to an ADU is allowed, provided that the conversion does not increase the non-conformity.

(E) Off-street parking is not required for an ADU.

(F) ADUs are not included in density calculations.