

# House Bill 3903

Sponsored by Representative RUIZ

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act requires one parking spot per multiunit unit in urban areas. (Flesch Readability Score: 60.7).

Requires local governments to require at least one parking space per multiunit unit with limited exceptions.

## A BILL FOR AN ACT

1  
2 Relating to parking minimums for residential development; creating new provisions; and amending  
3 section 38, chapter 110, Oregon Laws 2024.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 197A.**

6 **SECTION 2. (1) Within an urban growth boundary, a local government must require that**  
7 **each new multiunit dwelling have at least one parking space per unit and dedicated for use**  
8 **by the unit.**

9 **(2) A variance to the minimum parking requirement in this section may be approved only**  
10 **for multiunit dwellings within one-half mile of a bus stop on a route providing more than six**  
11 **buses per hour during working hours.**

12 **SECTION 3. Section 38, chapter 110, Oregon Laws 2024, is amended to read:**

13 **Sec. 38.** (1) As used in sections 38 to 41, **chapter 110, Oregon Laws 2024** [*of this 2024 Act*]:

14 (a) "Adjustment" means a deviation from an existing land use regulation.

15 (b) "Adjustment" does not include:

16 (A) A request to allow a use of property not otherwise permissible under applicable zoning re-  
17 quirements;

18 (B) Deviations from land use regulations or requirements related to accessibility, affordability,  
19 fire ingress or egress, safety, local tree codes, hazardous or contaminated site clean-up, wildlife  
20 protection, or statewide land use planning goals relating to natural resources, natural hazards, the  
21 Willamette River Greenway, estuarine resources, coastal shorelands, beaches and dunes or ocean  
22 resources;

23 (C) A complete waiver of land use regulations or any changes beyond the explicitly requested  
24 and allowed adjustments; or

25 (D) Deviations to requirements related to the implementation of fire or building codes, federal  
26 or state air, water quality or surface, ground or stormwater requirements, or requirements of any  
27 federal, state or local law other than a land use regulation.

28 (2) Except as provided in section 39, **chapter 110, Oregon Laws 2024** [*of this 2024 Act*], a local  
29 government shall grant a request for an adjustment in an application to develop housing as provided  
30 in this section. An application qualifies for an adjustment under this section only if the following

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 conditions are met:

2 (a) The application is for a building permit or a quasi-judicial, limited or ministerial land use  
3 decision;

4 (b) The development is on lands zoned to allow for residential uses, including mixed-use resi-  
5 dential;

6 (c) The residential development is for densities not less than those required under section 55  
7 (3)(a)(C), **chapter 110, Oregon Laws 2024** [of this 2024 Act];

8 (d) The development is within an urban growth boundary, not including lands that have not been  
9 annexed by a city;

10 (e) The development is of net new housing units in new construction projects, including:

11 (A) Single-family or multifamily;

12 (B) Mixed-use residential where at least 75 percent of the developed floor area will be used for  
13 residential uses;

14 (C) Manufactured dwelling parks;

15 (D) Accessory dwelling units; or

16 (E) Middle housing as defined in ORS 197A.420;

17 (f) The application requests not more than 10 distinct adjustments to development standards as  
18 provided in this section. A “distinct adjustment” means:

19 (A) An adjustment to one of the development standards listed in subsection (4) of this section  
20 where each discrete adjustment to a listed development standard that includes multiple component  
21 standards must be counted as an individual adjustment; or

22 (B) An adjustment to one of the development standards listed in subsection (5) of this section  
23 where each discrete adjustment to a listed development standard that includes multiple component  
24 standards must be counted as an individual adjustment; and

25 (g) The application states how at least one of the following criteria apply:

26 (A) The adjustments will enable development of housing that is not otherwise feasible due to  
27 cost or delay resulting from the unadjusted land use regulations;

28 (B) The adjustments will enable development of housing that reduces the sale or rental prices  
29 per residential unit;

30 (C) The adjustments will increase the number of housing units within the application;

31 (D) All of the units in the application are subject to an affordable housing covenant as described  
32 in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS  
33 456.270 for a minimum of 30 years;

34 (E) At least 20 percent of the units in the application are subject to an affordable housing  
35 covenant as described in ORS 456.270 to 456.295, making them affordable to low income households  
36 as defined in ORS 456.270 for a minimum of 60 years;

37 (F) The adjustments will enable the provision of accessibility or visitability features in housing  
38 units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use  
39 regulations; or

40 (G) All of the units in the application are subject to a zero equity, limited equity, or shared  
41 equity ownership model including resident-owned cooperatives and community land trusts making  
42 them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period  
43 of 90 years.

44 (3) A decision on an application for an adjustment made under this section is a limited land use  
45 decision. Only the applicant may appeal the decision. No notice of the decision is required if the

1 application is denied, other than notice to the applicant. In implementing this subsection, a local  
 2 government may:

3 (a) Use an existing process, or develop and apply a new process, that complies with the re-  
 4 quirements of this subsection; or

5 (b) Directly apply the process set forth in this subsection.

6 (4) A local government shall grant an adjustment to the following development standards:

7 (a) Side or rear setbacks, for an adjustment of not more than 10 percent.

8 (b) For an individual development project, the common area, open space or area that must be  
 9 landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25  
 10 percent.

11 (c) Parking minimums, **except for minimums required under section 2 of this 2025 Act.**

12 (d) Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a  
 13 10 percent adjustment to lot widths or depths.

14 (e) Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10  
 15 percent adjustment to lot width or depths and only if the adjustment results in:

16 (A) More dwelling units than would be allowed without the adjustment; and

17 (B) No reduction in density below the minimum applicable density.

18 (f) Building lot coverage requirements for up to a 10 percent adjustment.

19 (g) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily  
 20 housing and mixed-use residential housing:

21 (A) Requirements for bicycle parking that establish:

22 (i) The minimum number of spaces for use by the residents of the project, provided the applica-  
 23 tion includes at least one-half space per residential unit; or

24 (ii) The location of the spaces, provided that lockable, covered bicycle parking spaces are within  
 25 or adjacent to the residential development;

26 (B) For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height  
 27 maximums that:

28 (i) Are in addition to existing applicable height bonuses, if any; and

29 (ii) Are not more than an increase of the greater of:

30 (I) One story; or

31 (II) A 20 percent increase to base zone height with rounding consistent with methodology out-  
 32 lined in city code, if any;

33 (C) Unit density maximums, not more than an amount necessary to account for other adjust-  
 34 ments under this section; and

35 (D) Prohibitions, for the ground floor of a mixed-use building, against:

36 (i) Residential uses except for one face of the building that faces the street and is within 20 feet  
 37 of the street; and

38 (ii) Nonresidential active uses that support the residential uses of the building, including lobbies,  
 39 day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-  
 40 work spaces, except for active uses in specifically and clearly defined mixed use areas or commercial  
 41 corridors designated by local governments.

42 (5) A local government shall grant an adjustment to design standards that regulate:

43 (a) Facade materials, color or pattern.

44 (b) Facade articulation.

45 (c) Roof forms and materials.

- 1 (d) Entry and garage door materials.
- 2 (e) Garage door orientation, unless the building is adjacent to or across from a school or public
- 3 park.
- 4 (f) Window materials, except for bird-safe glazing requirements.
- 5 (g) Total window area, for up to a 30 percent adjustment, provided the application includes at
- 6 least 12 percent of the total facade as window area.
- 7 (h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily
- 8 housing and mixed-use residential:
  - 9 (A) Building orientation requirements, not including transit street orientation requirements.
  - 10 (B) Building height transition requirements, not more than a 50 percent adjustment from the
  - 11 base zone.
  - 12 (C) Requirements for balconies and porches.
  - 13 (D) Requirements for recesses and offsets.
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