



# Residential Development in Grants Pass

This information sheet summarizes some of the code updates and key programs related to residential development in Grants Pass.

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## I. Development Code & Zoning

In 2014, concurrent with the expansion of the Urban Growth Boundary (UGB), the City adopted numerous amendments to the Development Code, with many changes related to residential development. Below is a summary of major changes which were implemented at that time and are now in effect. Additional changes are under review to help incentivize housing which is affordable to residents of all income levels. If you have specific questions about these items or permitting and procedures, please contact the Planning Division staff.

### 1. Accessory Dwelling Units (ADUs)

Also known as “backyard cottages”, “granny flats”, etc., these are now allowed in all residential zones. If you have one existing home on a lot, you can have one ADU as long as it meets the size limits and development standards to maintain the character of the neighborhood. An ADU can be detached from the main home, over a garage, or attached to the main home. ADUs are not counted when calculating residential density, which is another way of describing how many homes per acre are allowed based on zoning.



In several residential zoning districts, multiple homes are allowed on the same lot, whether in separate detached structures or within the same structure. The maximum number of homes on a lot is determined by the lot size and the maximum residential density permitted in the zoning district in which the property is located. When multiple homes on a lot meet the density requirements, they are not subject to the size limits and standards that apply to ADUs. Different standards apply to developments which have multiple homes on a lot which are not classified as ADUs.

### 2. Minimum Lot Size Reductions

Minimum lot sizes for many zoning districts have been slightly reduced, allowing for more lots on the same amount of land. Most people wouldn't even notice the difference. For example, an 80'x150' lot is 12,000 square feet. Shaving less than five feet off the width and depth results in a lot which is about 1,000 square feet smaller, or about 11,000 square feet. Here are some of the changes:

Zone	Minimum Lot Size (square feet):	
	Previous	Current
R-1-12	12,000	11,000
R-1-10	10,000	9,000
R-1-8	8,000	7,000
R-1-6	6,000	5,500

### 3. Small Lot Allowance

In addition to the reduced minimum lot sizes listed in the table above, if you create a new subdivision of five or more lots in one of those zones, up to 20% of the lots can be smaller than the minimum lot size, down to 5,000 square feet.

Zone	20% Small Lot Allowance Example: Minimum Area Needed for Five Lots	
	Without Small Lot Allowance	With Small Lot Allowance
R-1-12	(5 x 11,000 sf) = <b>55,000 sf</b>	(4 x 11,000 sf) + (1 x 5,000 sf) = <b>49,000 sf</b>
R-1-10	(5 x 9,000 sf) = <b>45,000 sf</b>	(4 x 9,000 sf) + (1 x 5,000 sf) = <b>41,000 sf</b>
R-1-8	(5 x 7,000 sf) = <b>35,000 sf</b>	(4 x 7,000 sf) + (1 x 5,000 sf) = <b>33,000 sf</b>
R-1-6	(5 x 5,500 sf) = <b>27,500 sf</b>	(4 x 5,500 sf) + (1 x 5,000 sf) = <b>27,000 sf</b>

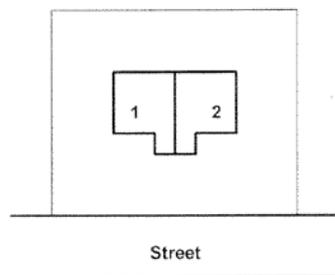
*(Based on current minimum lot sizes discussed above)*

### 4. Reduced Minimum Lot Sizes for Attached Housing

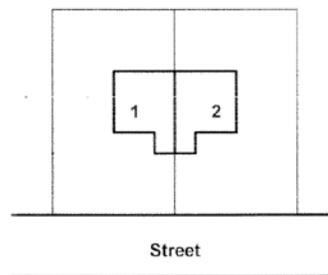
In addition to the reductions above, there are now automatic exceptions to the minimum lot sizes for attached housing, such as townhouses and “zero lot line” homes. This provides streamlined permitting and additional opportunities for homeownership in zoning districts where these uses are permitted.

For example, the image below shows a duplex on the left, with two attached residences on one lot. The lot meets the minimum lot size, and the development meets the allowed density based on the lot size and number of homes.

The development on the right is exactly the same density, but it is located on two lots with a lot line down the middle of the “duplex”. Each lot and home can be owned and sold separately. Standards now specify that for attached housing, each lot can be smaller than the minimum lot size, as long as the total density still meets requirements of the zoning district. (Building codes require fire separation at the property line).



Dwelling, Two Family (Duplex)  
on One Lot



Dwelling, Two Family (Duplex)  
Zero Lot Line, Fee Simple

## 5. Lot Size Flexibility

Sometimes a property has a unique shape or constraints which make it difficult to subdivide and develop without the need for variances to standards for minimum lot sizes and dimensions. Sometimes there are natural features where the design flexibility offered through a “Planned Unit Development” process can result in a development that better protects natural features without reducing the development potential. However, these reviews may involve additional review time, and the additional flexibility available to the developer can also mean greater discretion in the decision-making, which can mean greater uncertainty to the developer.

Some of the common situations which previously necessitated a variance or review through a “Planned Unit Development” process are now automatic through the conventional land division process.

- **Lot Size Averaging.** For lots in low-density residential zoning districts with larger minimum lot sizes (R-1-12, R-1-10, R-1-8), there is now greater flexibility to make adjustments to lot sizes and dimensions between lots to achieve more logical lot shapes and configurations and better accommodate existing natural features. This type of flexibility was previously available only through the variance and/or Planned Unit Development processes. Sometimes, that meant lots were laid out with unusual shapes or configurations to meet the minimum lot size/dimension requirements without the need for additional reviews.
- **Cluster Lots.** Lots abutting natural features such as wetlands can now be smaller than the minimum lot size, provided the balance of the lot area is retained as open space as part of the natural feature to be protected. This means the natural features can be better retained and protected without the need to resort to awkward lot configurations and easements to maintain the development potential. This type of flexibility was previously available only through the Planned Unit Development process.

## 6. Alternative Development Options.

In addition to the traditional subdivision and development standards, there are development options through Planned Unit Developments and new Cottage Housing Development standards.

- **Greater Planned Unit Development (PUD) Flexibility.** Previously, the Planned Unit Development review option provided greater flexibility with lot arrangements and density incentives, typically in return for a development that better protected natural features and provided a public benefit. However, permitted uses were still limited to those permitted in the zoning district.

The Planned Unit Development option now offers additional flexibility. There are additional density incentives, options for different housing types, and opportunities for other uses, including a limited amount of commercial use, such as a neighborhood market, café, or coffee shop.

- Cottage Housing Development.** This new development option enables more infill homes, while feeling less crowded. “Cottage housing clusters” provide homes while reducing total lot coverage and “bulk”. For clusters of 4 to 12 homes, this option allows an automatic 25% density bonus in the number of homes, provided the homes are smaller, meet design and development standards, and are clustered around open space, with parking and garages to the exterior. Up to a third of the homes can be 2-unit attached homes, and one carriage unit is permitted for every four cottages. Some cottage housing developments include a shared use building.



**Cottage Housing Examples.** Top left to bottom right: (1) Site plan showing interior common area; with parking, driveways, and garages to exterior; (2) View of interior open space (some lots are designed with private yards between or behind homes); (3) Street-facing view of relationship to neighborhood, including a shared building; (4) View from patio of shared building into interior common area. Image credits: The Cottage Company.

## 7. New Zoning Districts.

There are several new zoning designations to address some of the shortcomings of the old zoning. Some zoning districts permitted such a wide range of uses, they were ineffective in ensuring an adequate supply of lands zoned for certain uses and in certain critical areas. While properties with the old zoning weren't all rezoned, the old zoning designations will be mostly be treated as “legacy,” meaning the new versions will be applied when properties are rezoned in the future.

Old Zoning Name	New Zoning Name	Maximum Density (du=dwelling units)	Reasons for New Zoning Designations
R-3	R-3-1 (Legacy)	17.4 du/acre (2,500 sf/unit)	In addition to multi-family use, allowed lower-density single-family subdivisions. Lands needed for multi-family use were often bought and developed for lower-density single-family subdivisions which are already allowed in R-1-12, R-1-10, R-1-8, R-1-6, and R-2 zones.
N/A	R-3-2 (New)	20 du/acre (2,178 sf/unit)	Multi-family use as primary use. Single-family subdivisions aren't permitted, unless secondary to primary multi-family use/ development and achieve density.
R-4	R-4-1 (Legacy)	34.8 du/acre (1,100 sf/unit)	In addition to multi-family use, allowed single-family subdivisions and office uses. Lands needed for multi-family use were often bought and developed for office use or other uses.
N/A	R-4-2 (New)	34.8 du/acre (1,100 sf/unit)	Multi-family use as primary use. Single-family subdivisions and office use aren't permitted, unless secondary to primary multi-family use/ development and achieve density.
N/A	R-5 (New)	50 du/acre (870 sf/unit)	Multi-family use as primary use. Single-family subdivisions and office use aren't permitted, unless secondary to primary multi-family use/ development. Allows higher density than previous zones.
N/A	OR (Office Residential) (New)		Office use as primary use. For areas where office is intended as primary use (rather than using R-4), but not suitable for GC retail zoning. Residential use is permitted secondary to primary office use.
GC	GC-1 (Legacy)		Commercial zone. Also allowed development of single-family subdivisions.
N/A	GC-2 (New)		Commercial zone. Commercial use as primary use. Residential use is only permitted as a secondary use to primary commercial use.

## 8. Zoning Transition Overlay District.

In conjunction with the Urban Growth Boundary (UGB) amendment, approximately 450 acres already in the UGB were upzoned. Due to some provisions in state law related to transportation planning, the rezoning was done through a "Zoning Transition Overlay District." This implements the new zoning in two phases.

**Phase 1.** During an interim period, this keeps the old zoning in place and also provides an overlay zone that identifies the new zoning. It gives property

owners the option to use the old zoning or new zoning. If they opt to use the new zoning, additional traffic analysis may be required. Some property owners have already opted to use the new overlay zoning.

**Phase 2.** Once the City has completed and adopted updates to the area-wide transportation plan, the old zoning will no longer be in effect for these properties, and the new zoning will be the only zoning in effect. (This applies the new versions of the zoning designations described in #7 above).

**9. Housing above Neighborhood Commercial.**

Small half-acre pockets of “Neighborhood Commercial” zoning around the city enable small-scale neighborhood markets and services in residential areas.

Previously, this zoning only allowed for those uses. Now, up to four residential units can be developed on the upper-story of a neighborhood commercial building.



**10. Home Occupations.**

While not specifically related to provision of housing, it is worth noting that home occupation standards were streamlined to make it easier to work from home. These updates make it possible to conduct more low-impact uses as “minor” home occupations. This means more uses can now be approved over the counter without a public hearing.

Other uses which have the potential for greater impacts on surrounding properties are still classified as “major” home occupations. These still require a public hearing and review to ensure potential impacts are addressed and mitigated.

**11. Parking Reductions and On-Street Parking Credits.**

The following changes reduced the minimum requirements for on-site parking. Therefore, the site area required for parking and circulation is also reduced, allowing more site area to be devoted to residential use.

- **Parking Reductions.** Minimum parking requirements were reduced for homes and apartments, as well as other uses. The minimum requirement is now one parking space per dwelling unit. Developers can still provide more than the minimum if they choose. Some communities have excessive minimum off-street parking standards, more than is ever needed or used. Therefore, it can increase initial development costs and may sit vacant nearly year-round, cumulatively taking up acres of valuable land that could be used for housing or other uses.

In addition, vacant parking doesn’t contribute much property tax to help pay for services, and it increases the costs of building and maintaining streets, water lines, and sewer lines that serve properties. That means everybody pays more in the long-term for unused parking.

- **On-Street Parking Credits.** On-street parking along a property's frontage can now count toward parking requirements. On-street parking is paid for when a street is built, so it makes financial sense to use it to meet part of the parking need rather than let it sit vacant most of the time.

In addition, excessive curb cuts and off-street parking can reduce the area available for on-street parking. In some cases, excessive curb cuts, drive-aisles, and off-street parking may not even net any new parking due to the on-street parking spaces they eliminate, while adding to site development costs and consuming more land for drive-aisles just to access those parking spaces.

For example, an on-street parking space is about the same width as a two-way drive-aisle. On-street parking spaces must also be setback from curb cuts for visibility, reducing the area between curb cuts for on-street parking. Further, on-street parking doesn't require a separate drive-aisle to access the spaces since the travel lanes also serve that function.



*Excessive curb cuts, drive-aisles, and required off-street parking can consume more land without necessarily netting additional new parking when they displace on-street parking spaces. On-street parking credits can help address this issue.*

## II. Financial Programs, Incentives, and Financing

Below are a few opportunities to help reduce up-front costs and overall costs of residential development. Grants Pass also has other incentives for non-residential development related to economic development. Additional incentives are currently under review. Stay tuned for more information.

### 1. Community Development Block Grant (CDBG).

Grants Pass administers a grant program using CDBG funds. This program currently includes funding for several affordable housing programs. These include emergency housing assistance; housing rehabilitation, weatherization and energy efficiency improvements; and assistance with site acquisition, site improvements, and/or public facilities for affordable housing sites. Some of these programs are currently administered by other organizations acting as sub-grantees.

### 2. Financing of System Development Charges (SDCs).

SDCs are due at the time a building permit is issued. However, SDCs can be financed to reduce the up-front cost, and there is no penalty for paying off the balance early. For example, SDCs can be financed, and the balance can be paid off at the time of Certificate of Occupancy or sale of the property.

### 3. Vertical Housing Tax Credit District.

Grants Pass was the first city in Oregon to establish a “Vertical Housing Tax Credit District.” This allows property owners within the Central Business District (CBD) to qualify for property tax exemptions for up to 10 years for development of residential uses as part of a mixed use development. This is typically upper-story residential over commercial, but the program offers some flexibility.

### 4. Building/Façade Renovation Grants and Urban Renewal.

Grants Pass offers some grant programs for renovation of buildings in the downtown area. In addition, a new urban renewal district will provide funding that help fund these types of programs.

### III. What Else Should I Know?

#### Building Code

The building code is state law, not local law, so it can't be changed by City ordinance. However, familiarity with the building code may help identify alternatives that may not be obvious.

For example, single-family detached homes and duplexes are generally subject to the "residential code" (previously known as the "one- and two-family dwelling code"), while other types of development, including residential buildings with three or more units are typically subject to the "commercial code." The commercial code generally requires fire sprinklers. However, there are options for site design and construction methods for 3- and 4-unit residential structures which allow for their construction under the residential code without sprinklers.

### IV. More is in the Works...

Grants Pass is in the process of evaluating additional opportunities to help achieve quality neighborhoods and housing to meet the needs of residents of all income levels. Stay tuned for additional information.

### V. What About Tiny Houses?

"Tiny houses" have been a topic of much interest lately, and one that will likely be the subject of further discussion and evaluation. This term means different things to different people. Below is some additional information to help understand some key issues.

#### What is a "house"? How small can it be?

Except as described below, there is no explicit minimum home size specified in the state building code or local land use regulations.

1. **Building Code.** With recent changes to the state building code, there is a practical minimum of about 120 square feet (previously about 160 square feet) to meet certain provisions of the building code for a home.

Under state building codes, a structure, or portion, to be used as a home must have certain minimum elements present, including plumbing with a kitchen sink and a bathroom, and an approved heating source. Under state building codes, a residence must either be built in a manufactured home factory, where it receives an insignia certifying it was built to certain standards, or it must be site-built and inspected to ensure it was built to the standards specified in the state building code. ***A structure built on a trailer frame which can be moved does not meet state building codes for a home unless it was built in a factory where it received an insignia. Therefore, such structures cannot be locally approved as homes.***

**2. Land Use Regulations.** Cities must provide clear and objective standards for development of new housing. Cities may also have an option for a developer to meet alternative discretionary standards. A “dwelling” has one complete set of housekeeping facilities for living, sleeping, cooking, and eating. Minimum sizes are discussed below:

- a. **Site-Built Homes.** The City of Grants Pass doesn’t specify a minimum structure size for site-built homes. Based on the practical minimums described above, there is nothing that would preclude someone from building a home as small as discussed above, as long as it meets the state building code requirements. This would apply to any of the following: any detached home on a lot, any accessory dwelling unit, and any home in a cottage housing development. In addition, there are certain zoning districts that allow multiple detached homes to be built on a single lot, and this would also apply to those homes. *(Note: Some properties are subject to private covenants that specify minimum home sizes. These are private agreements and are not enforced by the City).*
- b. **Manufactured Homes.** Several years ago, state law was changed to specify that cities **must** allow a manufactured home to be built on any lot that allows a site-built single-family home. The law specifies certain design and development standards which can be applied. For manufactured homes on individual lots, cities can apply only these standards and the standards that apply to other single-family detached homes. Most cities, including Grants Pass, adopted the list of standards permitted in state law. Among these standards, cities may require that manufactured homes on individual lots must be multi-sectional and a minimum of 1,000 square feet. Therefore, Grants Pass currently has standards that limit smaller manufactured homes.

**3. Other Codes and State Law.** Some companies are building their tiny houses on trailer frames to be inspected and certified as recreational vehicles (RVs). Below is an excerpt from Oregon state law regarding RVs:

**ORS 197.493 Placement and occupancy of recreational vehicle.**

- (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:
  - (a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
  - (b) Occupied as a residential dwelling; and
  - (c) Lawfully connected to water and electrical supply systems and a sewage disposal system.
- (2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle.

**4. Additional State Law.** “Tiny home villages” have been built in some communities, which have usually authorized them under ORS 446.265. In these developments, there are individual structures that aren’t required to have plumbing, but there are typically separate structures or mobile vehicles that contain shared kitchen and restroom

facilities for the development. These developments are only authorized for transitional housing for people who lack permanent housing and cannot be placed in other low income housing.

Technically, under state building codes, these aren't residential developments. Rather, they are approved as campgrounds under a specific provision of state law (ORS 446.265) that allows them within an Urban Growth Boundary on no more than two parcels. The individual structures don't meet the building code definitions of homes, and these developments aren't subject to the landlord tenant act. Instead, state law specifies parameters for these developments, and structures are built to the same building code standards which apply to recreational camping structures such as yurts. The applicable state law is excerpted below for reference.

**ORS 446.265 Transitional housing accommodations; regulation and limitations; definition.**

- (1) A municipality may approve the establishment of a campground inside an urban growth boundary to be used for providing transitional housing accommodations. The accommodations may consist of separate facilities, in the form of yurts, for use as living units by one or more individuals or by families. The person establishing the accommodations may provide access to water, toilet, shower, laundry, cooking, telephone or other services either through separate or shared facilities. The accommodations shall provide parking facilities and walkways.
- (2) Transitional housing accommodations described under subsection (1) of this section shall be limited to persons who lack permanent shelter and cannot be placed in other low income housing. A municipality may limit the maximum amount of time that an individual or a family may use the accommodations.
- (3) Campgrounds providing transitional housing accommodations described under this section may be operated by private persons or nonprofit organizations. The shared facilities of the campgrounds are subject to regulation under the recreation park specialty code described under ORS 446.310 to 446.350. The transitional housing accommodations are not subject to ORS chapter 90.
- (4) To the extent deemed relevant by the Department of Consumer and Business Services, the construction and installation of yurts on campgrounds used for providing transitional housing accommodations established under this section is subject to the manufactured structures specialty code described in ORS 446.155. Transitional housing accommodations not appurtenant to a yurt are subject to regulation as provided under subsection (3) of this section.
- (5) Campgrounds established for providing transitional housing accommodations shall not be allowed on more than two parcels in a municipality. In approving the use of parcels for a campground, the municipality shall give preference to locations that have access to grocery stores and public transit services.
- (6) As used in this section, "yurt" means a round, domed tent of canvas or other weather resistant material, having a rigid framework, wooden floor, one or more windows or skylights and that may have plumbing, electrical service or heat.





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