



**City Council Work Session Agenda
Wednesday, August 18, 2021
6:00 p.m. – Work Session**

Welcome! The public is strongly encouraged to participate remotely but there is limited seating at Civic Hall for those who are not able to participate remotely. However, if you are not feeling well, please stay home and take care of yourself. Mask must be worn inside City buildings.

*You can live broadcast the City Council Meeting on cable channels Xfinity 11 and 331,
Ziply Fiber 29 or webstream here:*

www.mcm11.org/live

You may join online via Zoom Meeting:

<https://mcminnvilleoregon.zoom.us/j/84839703759?pwd=eUJlXz1lZlZlZlJmQnhzeHFkSlpqUT09>

Zoom ID: 848 3970 3759

Zoom Password: 873277

Or you can call in and listen via zoom: 1-253- 215- 8782

ID: 848 3970 3759

1. CALL TO ORDER
2. MISSING MIDDLE HOUSING CODE
3. ADJOURNMENT

STAFF REPORT

DATE: August 18, 2021
TO: Mayor and City Councilors
FROM: Chuck Darnell, Senior Planner
SUBJECT: Missing Middle Housing Code
STRATEGIC PRIORITY & GOAL:



GROWTH & DEVELOPMENT CHARACTER

Guide growth & development strategically, responsively & responsibly to enhance our unique character.



HOUSING OPPORTUNITIES (ACROSS THE INCOME SPECTRUM)

Create diverse housing opportunities that support great neighborhoods.

OBJECTIVE/S: Strategically plan for short and long-term growth and development that will create enduring value for the community

Report in Brief:

This is a City Council work session about HB 2001 (2019 Legislative Session); what the city needs to do to meet the mandates of the legislation; the more recent HB 2001 rulemaking that was adopted by the Oregon Land Conservation and Development Commission (LCDC) in December, 2020; an overview of the work completed by the Planning Department and Planning Commission to-date in preparation for the City meeting the mandates of the HB 2001 legislation and rulemaking; and an overview of the Residential Development and Design Standards draft document that the Planning Department and Planning Commission have been working on developing and reviewing. The Residential Development and Design Standards project and draft document involves the creation of site development and building design standards for missing middle housing types, and has been drafted to be in compliance with the HB 2001 legislation and rulemaking.

Background:

Background on Legislative and State Processes

In 2019, the Oregon Legislature passed House Bill 2001 (HB 2001), a bill that will result in changes to the types of housing that are allowed to be constructed in residential areas in cities across the state of Oregon (Please see Attachment 1). HB 2001 requires cities of certain sizes to allow “middle housing” in areas and properties that allow for the development of detached single-family dwellings. Middle housing is defined in HB 2001 as including duplexes, triplexes, quadplexes (fourplexes), cottage clusters, and townhouses. More specifically, HB 2001 requires that large cities, or those with a population over 25,000 (which includes McMinnville), shall allow the development of the following:

- “All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings” and
- “A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.”

Cities that fall within the large city category are required to adopt land use regulations and Comprehensive Plan amendments to address HB 2001 by June 30, 2022. Understanding that infrastructure capacity may result in difficulties with allowing an expanded range of housing types in areas of cities that historically only allowed for single-family dwellings, HB 2001 was drafted to include a process to allow cities to identify infrastructure deficiency issues and request extensions to address those issues. Extension requests to address infrastructure deficiency issues were required to be submitted to the Department of Land Conservation and Development (DLCD) by June 30, 2021. The City evaluated its infrastructure for deficiencies, but determined that any infrastructure deficiencies were not significant enough under the parameters set out in OAR 660-046-0300 *et seq* to request an extension from DLCD.

As part of the state-wide implementation of HB 2001, the Department of Land Conservation and Development (DLCD) led a rulemaking process that resulted in clarifications to the HB 2001 language and more specifically prescribes the requirements that cities must follow relative to the allowance of the middle housing types. The rulemaking process was recently finalized, and the final version of the rules was adopted by the Land Conservation and Development Commission (LCDC) on December 9, 2020. These rules were adopted as Oregon Administrative Rules (OAR) Chapter 660, Division 46. The adopted rules, as well as a copy of HB 2001, are attached to this staff report. (Please see Attachment 2).

The rulemaking process resulted in the creation of minimum standards that medium and large cities must follow to allow middle housing types. The rules also created a “model code”, which would apply directly in cities that do not implement their own development code and Comprehensive Plan amendments prior to the deadlines established in HB 2001.

Background on Local Work in Support of HB 2001

In preparation for the implementation of HB 2001, the McMinnville Planning Department began work on the creation of development and design standards for the housing types that are described in HB 2001 and commonly referred to as middle housing types. This work was included on the Planning Department and Planning Commission work plans beginning in 2018 through the current fiscal year, and was generally referred to as the Residential Development and Design Standards project.

The McMinnville Planning Department began the Residential Development and Design Standards project with a focus on the implementation of McMinnville’s Great Neighborhood Principles (GNP). As stated in McMinnville Comprehensive Plan Policy 187.10, the GNP are intended to “...guide the land use patterns, design, and development of the places that McMinnville citizens live, work, and play. The Great Neighborhood Principles will ensure that all developed places include characteristics and elements that create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood with enduring value...”. The GNPs include two principles that are specific to housing, which are as follows:

11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.
12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

The GNP section of the McMinnville Comprehensive Plan also includes Proposal 46.00, which states that “The City shall develop development codes that allow for a variety of housing types and forms, and shall develop site and design requirements for those housing types and form.” The development of the Residential Development and Design Standards will assist the City in implementing Proposal 46.00.

From May 2019 to December 2019, the Planning Department worked with a consultant to develop an initial first draft of potential Residential Development and Design Standards, which again were intended to provide development and design standards for middle housing types. The scope of this work was also to begin work on the creation of standards that would allow for the middle housing types that were eventually to be required in HB 2001, but to do so in a manner that would be consistent and compatible with McMinnville’s existing neighborhoods and development characteristics.

The Planning Commission reviewed and provided comments on the draft Residential Development and Design Standards over the course of five work session meetings from January 2020 to July 2020. The Planning Commission reviewed the draft document in great detail, and provided comments and direction to Planning Department staff on amendments and edits to make to the draft standards within the document.

In 2020, the Planning Department also applied for and was successfully awarded two Technical Assistance Grants from DLCD to provide funding for work related to the implementation of HB 2001. One of the grants was awarded for work on the local code amendments necessary to bring the City’s development code. The second grant was awarded for an analysis of infrastructure capacity throughout the City to identify whether there were any infrastructure deficiencies that would result in a request for an extension on the implementation of HB 2001 to address those infrastructure deficiencies. The City contracted with Jacobs Engineering Group in February 2021 to undertake a review of the City’s infrastructure to determine whether the deficiencies met the parameters and thresholds established in OAR 660-046-0300 *et seq.* to request an extension from DLCD. The review concluded that the City did not meet those requirements to justify a request for an extension from DLCD. Staff presented this information to City Council on June 8, 2021.

The City’s work on code amendments to come into compliance with HB 2001 was put on hold for a short amount of time to allow time for the rulemaking process to be completed, primarily to ensure that the eventual code amendment work would not be in direct conflict with the final, adopted Oregon Administrative Rules (OARs). Once the OARs were adopted, the Planning Commission held a work session in January 2021 to review the adopted rules. Next, the Planning Department worked with the same consultant that developed the initial draft Residential Development and Design Standards to analyze that document against the adopted missing middle OARs, and provide recommendations for any updates that would be necessary to bring the draft Residential Development and Design Standards into compliance with the adopted OARs.

The consultant’s analysis of the draft document and their recommendations for potential updates were shared with and reviewed in detail by the Planning Commission during a work session discussion in April 2021. In addition, the Planning Department held three open house webinars to share information on the adopted missing middle OARs and the draft development standards that the City was in the process of developing. Those open house webinars were held April 27, 2021 through April 29, 2021. Feedback and direction on the consultant’s recommendations were provided by the Planning Commission, and incorporated into an updated draft of the Residential Development and Design Standards document.

Discussion:

Overview of HB 2001 Rules (OARs)

Staff will provide a more detailed presentation at the work session meeting, which will provide an overview of the missing middle Oregon Administrative Rules (OARs) that were adopted by LCDRC. Staff will summarize the major components of the rules, with a particular emphasis on the components of the rules that provide more specific requirements for how cities must comply with HB 2001. There are a number of components of the adopted OARs that provide specific direction and requirements for implementing HB 2001, which cities will not have any ability to vary from. However, there are some areas of the adopted OARs that provide discretion for cities and options for how the HB 2001 rules can be implemented. The Planning Commission has had some preliminary discussions on some of these areas of the OARs that provide discretion and options in their recent work session discussions, and have provided staff with direction on some of the Planning Commission's preferred options. Staff will summarize these particular areas of the OARs during the work session presentation.

Some highlights of the Division 46 OARs and how they will impact the implementation of HB 2001 are summarized below:

- Duplexes and middle housing must be allowed in “areas zoned for residential use that allow for the development of detached single-family dwellings”. “Zoned for Residential Use” is defined in the OARs as “a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.”
 - In McMinnville, this includes the R-1, R-2, R-3, and R-4 zones
- Established that density maximums cannot be applied to middle housing types.
- Minimum thresholds were established for “siting standards” that can be applied to middle housing types. These siting standards include things like minimum lot size, setbacks, height, lot coverage, and Floor Area Ratios (note that McMinnville does not currently have minimum lot coverage or Floor Area Ratios). In general, the siting standards are required to be the same as those that are applied to single family dwellings in the same zone.
- Established maximum numbers of off-street parking spaces that cities may require for middle housing types
 - In general, the maximum number of off-street parking spaces that may be required is one space per dwelling unit.
 - Triplexes and quadplexes include off-street parking space maximums that are based on the size of the lot in question, not based on the total number of dwelling units.
 - For triplexes, one (1) total off-street parking space may required for lots less than 3,000 square feet, two (2) total off-street parking spaces may required for lots between 3,000 and 4,999 square feet, and three (3) total off-street parking spaces may required for lots 5,000 square feet or larger.
 - For quadplexes, one (1) total off-street parking space may required for lots less than 3,000 square feet, two (2) total off-street parking spaces may required for lots between 3,000 and 4,999 square feet, three (3) total off-street parking spaces may required for lots between 5,000 and 6,999 square feet, and four (4) total off-street parking spaces may be required for lots 7,000 square feet or larger.
- Middle housing must be allowed to follow the same off-street parking surfacing, dimensional, access, and circulation standards that apply to detached single-family dwellings in the same zone.
- OARs require that large cities apply the same approval and review process to middle housing as is applied to detached single-family dwellings in the same zone. In McMinnville, detached single-family dwellings are reviewed and approved through a standard building permit review process, where basic zoning and other development standards are reviewed.

Areas for City Discretion within HB 2001 Rules (OARs)

There are some areas of the Division 46 OARs that provide discretion for cities and options for how the HB 2001 rules can be implemented. Some of these areas are summarized below:

- Large cities (which includes McMinnville) have the option to either allow middle housing in all residentially zoned areas, or to follow a process of applying minimum lot size and maximum density provisions that result in middle housing types being allowed on a certain percentage of lots within the city.
 - The breakdown of percentages by lot type is as follows (note that duplexes must be allowed on all residentially zoned lots):
 - Triplexes – Must be allowed on 80% of Lots and Parcels;
 - Quadplexes - Must be allowed on 70% of Lots and Parcels;
 - Townhouses - Must be allowed on 60% of Lots and Parcels; and
 - Cottage Clusters – Must be allowed on 70% of Lots and Parcels.
 - The rules set up a process by which these percentages of lots must be established equitably across census block groups, and also a process for how these percentages must be continually monitored and updated if necessary.
 - This process would be time-consuming and difficult to manage for a city of McMinnville's size.
- Cities can decide whether they want to allow more dwelling units on a lot that allows a middle housing type, such as to allow for accessory dwelling units (ADUs) on the same lot as a duplex, triplex, or quadplex.
- Cities can decide to set a minimum number of Cottage Cluster units within a Cottage Cluster development. The minimum number may be between 3 and 5 Cottage Cluster units.
- Cities have some flexibility in the minimum lot size that may be required for triplexes and quadplexes. These options are related to minimum lot sizes in the underlying zone, and generally require that the minimum lot size match the underlying zone or what is required for a detached single-family dwelling. However, on lots that are less than 5,000 square feet for triplexes or 7,000 square feet for quadplexes, a City could require a larger minimum lot size for the plexes (of no more than 5,000 square feet or 7,000 square feet, respectively).
 - For example, in the City's existing R-4 zone, the minimum lot size is 5,000 square feet. The OARs would allow for the minimum lot size for quadplexes to be set at 7,000 square feet in the R-4 zone, even though the minimum lot size in the zone is 5,000 square feet.
- Design Standards:
 - The OARs state that a city is not required to apply design standards to middle housing, but that if it does, it can only apply the following:
 - Design standards within the model code adopted within the OARs
 - Design standards that are less restrictive than those in the model code
 - The same clear and objective standards that are applied to detached single-family dwellings in the same zone
 - Alternative design standards, if approved through a process described in the OARs
 - The model code adopted within the OARs are quite different than the Universal Design Standards that have been developed within the draft Residential Development and Design Standards document that the Planning Commission has previously reviewed (see next section of staff report below for an overview of the draft Residential Development and Design Standards document).
 - Staff can provide more detail on the model code if the City Council is interested in pursuing that as an option.
 - If using clear and objective standards that also apply to detached single-family dwellings in the same zone, the OARs state that "Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale."
 - The Universal Design Standards within draft Residential Development and Design Standards were recently reviewed to ensure consistency with this OAR language, as the Planning Commission has directed staff to continue to develop the draft

- standards as being applicable to all housing types (including detached single family dwellings).
- The alternative design standards process is described in detail in the OARs, and requires a submittal of the proposed alternative design standards to the Oregon Department of Land Conservation and Development (DLCDD) for review and approval. A city pursuing this process must also submit findings that demonstrate that the proposed standards “will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing.”
 - DLCDD would require that a city demonstrate how their proposed alternative standards affect the following factors:
 - The total time and cost of construction, including design, labor, and materials;
 - The total cost of land;
 - The availability and acquisition of land, including areas with existing development;
 - The total time and cost of permitting and fees required to make land suitable for development;
 - The cumulative livable floor area that can be produced; and
 - The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.
- The draft Residential Development and Design Standards document that the Planning Commission has previously reviewed was drafted with the intent of having the Universal Design Standards apply to all housing types, including single family dwellings. At the most recent Planning Commission work session discussion where the draft Residential Development and Design Standards were reviewed, the Planning Commission directed staff to continue to develop the draft standards as being applicable to all housing types. If the standards are applicable to single family dwellings, then those Universal Design Standards would be allowed to be applied to middle housing types regulated by HB 2001 as well.

Overview of Residential Development and Design Standards

Staff will also provide a more detailed overview of the most recent draft of the Residential Development and Design Standards, which is attached to this staff report (Please see Attachment 3), at the work session meeting. However, below is brief overview of the major components of the draft document and how it is structured.

The Residential Development and Design Standards have been drafted to include standards for all of the middle housing types required by HB 2001, and also single dwellings, accessory dwelling units (ADUs), and multiple family apartments in an effort to include all of the various housing types in one section of the City’s code. The housing types included in the Residential Development and Design Standards include:

- Tiny Houses
- Cottage Clusters
- Plexes (including duplex, triplex, and quadplex)
- Single Dwellings
- Townhouses
- Accessory Dwelling Units (ADU)
- Apartments (*Note – the current standards for apartments have not been developed in much detail, and are intended to be expanded upon over the coming months*)

In an effort to address the Great Neighborhood Principles, particularly those of Pedestrian Friendly, Accessibility, Human Scale Design, and Housing Variety, the residential development and design standards were developed with a holistic approach that focuses on a combination of site design, building form, and architectural features. These components were also considered to allow for the development of these potentially new housing types in a manner that is compatible with existing neighborhoods and housing in McMinnville. To achieve this, basic development standards are proposed for each housing type, including basic site standards such as lot size, lot width, lot depth, building setbacks, and building height. In addition to these basic development standards, more detailed design standards are proposed to be applied to all of the housing types, which are referred to as Universal Design Standards. The intent is that the application of both the Universal Design Standards and the basic site development standards will combine to result in building forms that are compatible with the existing development pattern and character of McMinnville, while still allowing the new housing types that are required by HB 2001.

Development Standards by Housing Type

The draft Residential Development and Design Standards document includes a section for each housing type. The sections for each housing type are proposed to have the same components, including:

- Overview Page with:
 - Concept
 - Guiding Principles
 - Photo Examples
- Development Standards Table including:
 - Basic site development standards for Lot Width, Lot Depth, Lot Size, Setbacks, Building Height, Parking, Driveways
 - List of applicable Universal Design Standards
- Example Site Plan Page:
 - Provides example site plan (not to scale) of housing type with development standards identified
 - Provided for both development without an alley and development with an alley

Examples of these pages, as shown for the Single Dwelling housing type, are provided below:

Single Dwelling

Concept

Single dwellings are one home on a single lot, separated from adjacent dwellings by private open space in the form of side yards and backyards, and often set back from the public street with a front yard. Single dwelling standards apply to units that are larger than 400 square feet.

Single dwellings are the most common housing type in McMinnville today.

Guiding Principle

Avoid cookie-cutter appearance across multiple single dwellings in the same neighborhood by creating variety of color, form, and façade details.

Space driveways to allow for street trees and on-street parking.

Garages facing the front should be recessed to reduce their prominence on the front façade.



Single dwellings with similar porch elements provide consistency to the public realm, while still offering opportunity for variety in details.



Lots of varying widths face an open pedestrian walkway.

Single Dwelling Development Standards

SINGLE DWELLING DEVELOPMENT STANDARDS

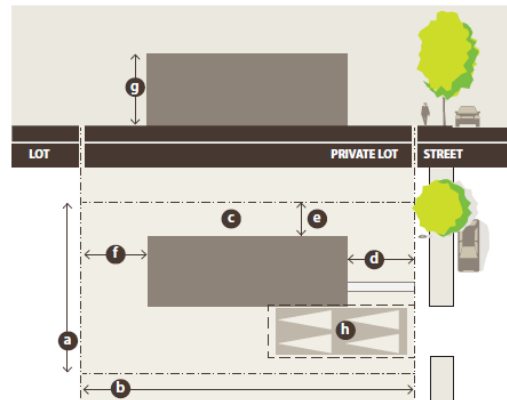
	WITH ALLEY	WITHOUT ALLEY	INFILL
a Lot width (feet)	Min. 35	Min. 45	
b Lot depth (feet)	Min. 65	Min. 65	Match existing zone, subdivision, or Planned Development overlay district.
c Lot size (square feet)	Min. 2,300	Min. 3,000	
d Front setback (feet)	Min. 15	Min. 15	Match existing ¹
e Side setback (feet)	Interior: Min. 3 ² or 7.5 Exterior: 10	Interior: Min. 3 ² or 7.5 Exterior: 10	Interior: Min. 7.5 Exterior: Min. 15
f Rear setback (feet)	0 with garage, 20 without garage. ¹	Min. 20	Min. 20
g Building height (feet)	Max. 35	Max. 35	Max. 35
h Parking Zone	<p>For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage. For lots without an alley: Parking is required to be located on the surface or in a garage. The front setback is specified in Parking Development and Design Standards, Garage Setback.</p> <p>This table to be replaced</p>		
Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
Off-street Parking	See McMinnville Municipal Code Chapter 17.60		
Universal Design Standards and Subdivision Standards that apply	<p>Street frontage Front yard Alleys Private open space Compatibility Façade Parking Subdivision Standards: Usable Side Yard, Through Block, and Corner Common Greens</p>		

¹ Per McMinnville Municipal Code Section 17.54.050.

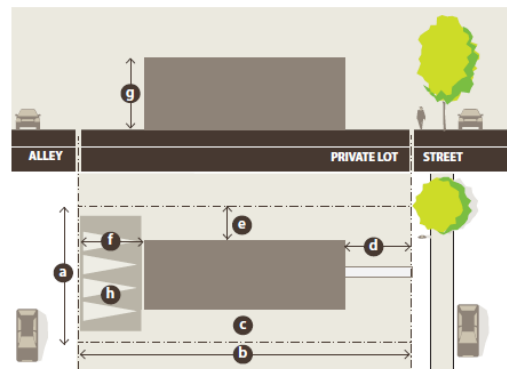
² Must meet all requirements of Usable Side Yard Subdivision standards.

³ From alley property or easement line.

Detached Single Dwelling without Alley



Detached Single Dwelling with Alley



The basic development standards for each housing type are proposed to include standards that would apply in three different scenarios, including new development with an alley, new development without an alley, and infill development. Infill development is intended to apply to housing types that are developed in existing neighborhoods, and the standards for those infill housing types are proposed to be required to match the existing zone, subdivision, or Planned Development Overlay District that the site is located within. The Planning Commission has been discussing the “new development standards” with the alley and without an alley, and is considering allowing for these standards to be followed only under a Planned Development type of land use request that would allow for some other types of requirements to be achieved (such as off-street parking at the similar rate as currently required by code, or some sort of distribution of different housing types throughout a subdivision that was allowed to follow these standards). This is a concept that will require further discussion with the Planning Commission and community, but is primarily being considered by the Planning Commission due to some concerns with how the flexible standards could be followed while still having to apply some of the HB 2001 OAR requirements that differ somewhat significantly from the current code.

Universal Design Standards Overview

The Universal Design Standards include standards related to the following:

- Façade
- Street Frontage
- Front Yard
- Alleys
- Parking
- Common Open Space
- Private Open Space
- Compatibility
- Subdivision Standards, including:
 - Partial Alleys
 - Usable Side Yard Setbacks
 - Common Greens

As discussed above, the Universal Design Standards are proposed to be applied to all of the housing types (with the potential exception of multiple family and apartments pending additional review and consideration). Some of the Universal Design Standards are proposed to only apply to certain housing types, such as Private Open Space, which would apply only to Apartments. A table summarizing which Universal Design Standards would be applicable to each housing type is provided below:

Universal Design Standards Summary Table

Universal design standards apply to each housing type marked with an "X", except where indicated as optional.

	Tiny House	Cottage Cluster	Plex	Single Dwelling	Town-house	ADU	Apartment
Façade	X	X	X	X	X	X	X
Street Frontage	X	X	X	X	X	X	X
Front Yard	X	X	X	X	X	X	X
Alleys	X	X	X	X	X	X	X
Parking	X	X	X	X	X		X
Common OS							X
Private OS							X
Compatibility	X	X	X	X	X	X	X
Partial alley (optional)	X		X		X	X	X
Usable Site Yard Setback (optional)	X		X	X		X	X
Common Green (optional)	X	X	X	X	X	X	X

Each Universal Design Standard includes pages that are organized with the following components:

- Concept – Describes the Universal Design Standard and the purpose of the standard.
- Great Neighborhood Principle – Highlights the GNP that the standard helps to achieve.
- Design Guidelines (or Guiding Principles) – Describes the intent of the design standard and examples or best practices for how to achieve the intent of the design standard.
- Applicability (not pictured here) – Identifies which housing types the design standard applies to.
- Photo Examples
- Design Standards – Identifies specific design standards required.
- Menu of Options – Where applicable, lists of options that a builder/developer could choose from to achieve standard.

Façade

Concept

The façade faces the street, or common greens, courtyards, or other common open spaces. It should be inviting with entry structures, such as porches, front doors and windows and other human-scaled elements. When dwellings have car access from the street, paved areas and garages should not dominate.

Welcoming façades contribute to the overall character of the neighborhood, promoting a safe walkable and bikeable place.

Guiding Principles

- » Garages that do not dominate. Entrances should be more prominent than garages.
- » Pair garages where possible to maximize planting strip and potential for street trees.
- » Entrances and windows that face the street, avoid blank walls. Emphasize private, ground level entries to individual units when appropriate to the housing type, such as townhouses and plexes.
- » Building elements (lighting, repeating projects, bay windows, etc.) and private open space projections (balconies, porches, terraces, etc.) provide functional living space for residents and break up large façades.

Design Standards


- » Windows and/or doors utilizing clear glass, excluding garage doors, shall occupy a minimum of 25 percent of the total street-facing façade.
- » Except for dwellings on the flag portion of flag lots, the primary entrance shall be oriented toward the street which the dwelling faces.
- » At least one primary entrance for each structure must either:
 - » Open directly onto the street right-of-way.
 - » Be at an angle of up to 45 degrees from the street.
 - » Open on to a porch. The porch must be at least 25 square feet in area and have one entrance facing the street or have a roof.
 - » Face a central courtyard space or common open space that is adjacent to the street and abutted by dwellings on at least two sides.
 - » Where a building is on a corner lot and fronts on two abutting streets, a dwelling unit on the corner of the building need be oriented to only one of the streets.

Principle 8 - Human Scale Design.

Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.

Principle 12 - Housing Variety.

Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.



Garage does not dominate and is recessed behind the entrance.

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Attachments:

Attachment 1: House Bill 2001

Attachment 2: Middle Housing Rules – OAR Chapter 660 Division 46 – Adopted December 9, 2020

Attachment 3: Draft Residential Development and Design Standards Document

80th OREGON LEGISLATIVE ASSEMBLY--2019 Regular Session

Enrolled House Bill 2001

Sponsored by Representative KOTEK; Representatives FAHEY, HERNANDEZ, MARSH,
MITCHELL, POWER, STARK, WILLIAMS, ZIKA (Presession filed.)

CHAPTER

AN ACT

Relating to housing; creating new provisions; amending ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018; and declaring an emergency.

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

SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 197.

SECTION 2. (1) As used in this section:

(a) "Cottage clusters" means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) "Middle housing" means:

(A) Duplexes;

(B) Triplexes;

(C) Quadplexes;

(D) Cottage clusters; and

(E) Townhouses.

(c) "Townhouses" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

(a) Cities with a population of 1,000 or fewer;

(b) Lands not within an urban growth boundary;

(c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;

(d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or

(e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay. Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

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

(b) Middle housing in areas not required under this section.

SECTION 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act no later than:

(a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or

(b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

SECTION 4. (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

- (a) December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.
- (b) June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.
- (5) The department shall grant or deny a request for an extension under this section:
 - (a) Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.
 - (b) Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.
- (6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:
 - (a) Defining the affected areas;
 - (b) Calculating deficiencies of water, sewer, storm drainage or transportation services;
 - (c) Service deficiency levels required to qualify for the extension;
 - (d) The components and timing of a remediation plan necessary to qualify for an extension;
 - (e) Standards for evaluating applications; and
 - (f) Establishing deadlines and components for the approval of a plan of action.

SECTION 5. ORS 197.296 is amended to read:

197.296. (1)(a) The provisions of subsections (2) to (9) of this section apply to metropolitan service district regional framework plans and local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of 25,000 or more.

(b) The Land Conservation and Development Commission may establish a set of factors under which additional cities are subject to the provisions of this section. In establishing the set of factors required under this paragraph, the commission shall consider the size of the city, the rate of population growth of the city or the proximity of the city to another city with a population of 25,000 or more or to a metropolitan service district.

(2) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan or regional framework plan that concerns the urban growth boundary and requires the application of a statewide planning goal relating to buildable lands for residential use, a local government shall demonstrate that its comprehensive plan or regional framework plan provides sufficient buildable lands within the urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years. The 20-year period shall commence on the date initially scheduled for completion of the periodic or legislative review.

(3) In performing the duties under subsection (2) of this section, a local government shall:

(a) Inventory the supply of buildable lands within the urban growth boundary and determine the housing capacity of the buildable lands; and

(b) Conduct an analysis of **existing and projected** housing need by type and density range, in accordance with **all factors under** ORS 197.303 and statewide planning goals and rules relating to housing, to determine the number of units and amount of land needed for each needed housing type for the next 20 years.

(4)(a) For the purpose of the inventory described in subsection (3)(a) of this section, "buildable lands" includes:

- (A) Vacant lands planned or zoned for residential use;
- (B) Partially vacant lands planned or zoned for residential use;
- (C) Lands that may be used for a mix of residential and employment uses under the existing planning or zoning; and
- (D) Lands that may be used for residential infill or redevelopment.

(b) For the purpose of the inventory and determination of housing capacity described in subsection (3)(a) of this section, the local government must demonstrate consideration of:

(A) The extent that residential development is prohibited or restricted by local regulation and ordinance, state law and rule or federal statute and regulation;

(B) A written long term contract or easement for radio, telecommunications or electrical facilities, if the written contract or easement is provided to the local government; and

(C) The presence of a single family dwelling or other structure on a lot or parcel.

(c) Except for land that may be used for residential infill or redevelopment, a local government shall create a map or document that may be used to verify and identify specific lots or parcels that have been determined to be buildable lands.

(5)(a) Except as provided in paragraphs (b) and (c) of this subsection, the determination of housing capacity *[and need]* pursuant to subsection [(3)] **(3)(a)** of this section must be based on data relating to land within the urban growth boundary that has been collected since the last *[periodic]* review or *[five]* **six** years, whichever is greater. The data shall include:

(A) The number, density and average mix of housing types of urban residential development that have actually occurred;

(B) Trends in density and average mix of housing types of urban residential development;

(C) **Market factors that may substantially impact future urban residential development; and**

[(C) Demographic and population trends;]

[(D) Economic trends and cycles; and]

[(E)] **(D)** The number, density and average mix of housing types that have occurred on the buildable lands described in subsection (4)(a) of this section.

(b) A local government shall make the determination described in paragraph (a) of this subsection using a shorter time period than the time period described in paragraph (a) of this subsection if the local government finds that the shorter time period will provide more accurate and reliable data related to housing capacity *[and need]*. The shorter time period may not be less than three years.

(c) A local government shall use data from a wider geographic area or use a time period *[for economic cycles and trends]* longer than the time period described in paragraph (a) of this subsection if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to paragraph (a) of this subsection. The local government must clearly describe the geographic area, time frame and source of data used in a determination performed under this paragraph.

(6) If the housing need determined pursuant to subsection (3)(b) of this section is greater than the housing capacity determined pursuant to subsection (3)(a) of this section, the local government shall take one or *[more]* **both** of the following actions to accommodate the additional housing need:

(a) Amend its urban growth boundary to include sufficient buildable lands to accommodate housing needs for the next 20 years. As part of this process, the local government shall consider the effects of measures taken pursuant to paragraph (b) of this subsection. The amendment shall include sufficient land reasonably necessary to accommodate the siting of new public school facilities. The need and inclusion of lands for new public school facilities shall be a coordinated process between the affected public school districts and the local government that has the authority to approve the urban growth boundary[;].

(b) Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall *[monitor and record the level of development activity and development density by housing type following the date of the adoption of the new measures; or]* **adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable vali-**

ation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region. For a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the metropolitan service district.

[(c) Adopt a combination of the actions described in paragraphs (a) and (b) of this subsection.]

(c) As used in this subsection, “authorized density level” has the meaning given that term in ORS 227.175.

(7) Using the **housing need** analysis conducted under subsection (3)(b) of this section, the local government shall determine the overall average density and overall mix of housing types at which residential development of needed housing types must occur in order to meet housing needs over the next 20 years. If that density is greater than the actual density of development determined under subsection (5)(a)(A) of this section, or if that mix is different from the actual mix of housing types determined under subsection (5)(a)(A) of this section, the local government, as part of its periodic review, shall adopt measures that demonstrably increase the likelihood that residential development will occur at the housing types and density and at the mix of housing types required to meet housing needs over the next 20 years.

(8)(a) A local government outside a metropolitan service district that takes any actions under subsection (6) or (7) of this section shall demonstrate that the comprehensive plan and land use regulations comply with goals and rules adopted by the commission and implement ORS 197.295 to 197.314.

(b) *[The]* A local government shall determine the density and mix of housing types anticipated as a result of actions taken under subsections (6) and (7) of this section and monitor and record the actual density and mix of housing types achieved **following the adoption of these actions**. The local government shall compare actual and anticipated density and mix. The local government shall submit its comparison to the commission at the next periodic review or at the next legislative review of its urban growth boundary, whichever comes first.

(9) In establishing that actions and measures adopted under subsections (6) and (7) of this section demonstrably increase the likelihood of higher density residential development, the local government shall at a minimum ensure that land zoned for needed housing is in locations appropriate for the housing types identified under subsection (3) of this section, *[and]* is zoned at density ranges that are likely to be achieved by the housing market using the analysis in subsection (3) of this section **and is in areas where sufficient urban services are planned to enable the higher density development to occur over the 20-year period**. Actions or measures, or both, may include but are not limited to:

- (a) Increases in the permitted density on existing residential land;
- (b) Financial incentives for higher density housing;
- (c) Provisions permitting additional density beyond that generally allowed in the zoning district in exchange for amenities and features provided by the developer;
- (d) Removal or easing of approval standards or procedures;
- (e) Minimum density ranges;
- (f) Redevelopment and infill strategies;
- (g) Authorization of housing types not previously allowed by the plan or regulations;
- (h) Adoption of an average residential density standard; and
- (i) Rezoning or redesignation of nonresidential land.

(10)(a) The provisions of this subsection apply to local government comprehensive plans for lands within the urban growth boundary of a city that is located outside of a metropolitan service district and has a population of less than 25,000.

(b) At periodic review pursuant to ORS 197.628 to 197.651 or at any other legislative review of the comprehensive plan that requires the application of a statewide planning goal relating to buildable lands for residential use, a city shall, according to rules of the commission:

- (A) Determine the estimated housing needs within the jurisdiction for the next 20 years;
 - (B) Inventory the supply of buildable lands available within the urban growth boundary to accommodate the estimated housing needs determined under this subsection; and
 - (C) Adopt measures necessary to accommodate the estimated housing needs determined under this subsection.
- (c) For the purpose of the inventory described in this subsection, “buildable lands” includes those lands described in subsection (4)(a) of this section.

SECTION 6. ORS 197.303 is amended to read:

197.303. (1) As used in ORS [197.307] **197.295 to 197.314**, “needed housing” means 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, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

(2) For the purpose of estimating housing needs, as described in ORS 197.296 (3)(b), a local government shall use the population projections prescribed by ORS 195.033 or 195.036 and shall consider and adopt findings related to changes in each of the following factors since the last periodic or legislative review or six years, whichever is greater, and the projected future changes in these factors over a 20-year planning period:

- (a) Household sizes;**
- (b) Household demographics in terms of age, gender, race or other established demographic category;**
- (c) Household incomes;**
- (d) Vacancy rates; and**
- (e) Housing costs.**

(3) A local government shall make the estimate described in subsection (2) of this section using a shorter time period than since the last periodic or legislative review or six years, whichever is greater, if the local government finds that the shorter time period will provide more accurate and reliable data related to housing need. The shorter time period may not be less than three years.

(4) A local government shall use data from a wider geographic area or use a time period longer than the time period described in subsection (2) of this section if the analysis of a wider geographic area or the use of a longer time period will provide more accurate, complete and reliable data relating to trends affecting housing need than an analysis performed pursuant to subsection (2) of this section. The local government must clearly describe the geographic area, time frame and source of data used in an estimate performed under this subsection.

[2)] **(5)** Subsection (1)(a) and (d) of this section does not apply to:

- (a) A city with a population of less than 2,500.
- (b) A county with a population of less than 15,000.

[3)] **(6)** A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 7. ORS 197.312, as amended by section 7, chapter 15, Oregon Laws 2018, is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection[,]:

(A) "Accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

(B) **"Reasonable local regulations relating to siting and design" does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.**

(6) Subsection (5) of this section does not prohibit local governments from regulating vacation occupancies, as defined in ORS 90.100, to require owner-occupancy or off-street parking.

SECTION 8. Section 1, chapter 47, Oregon Laws 2018, is amended to read:

Sec. 1. (1) For purposes of this section:

(a) A household is severely rent burdened if the household spends more than 50 percent of the income of the household on gross rent for housing.

(b) A regulated affordable unit is a residential unit subject to a regulatory agreement that runs with the land and that requires affordability for an established income level for a defined period of time.

[(c) A single-family unit may be rented or owned by a household and includes single-family homes, duplexes, townhomes, row homes and mobile homes.]

(2)(a) The Housing and Community Services Department shall annually provide to the governing body of each city in this state with a population greater than 10,000 the most current data available from the United States Census Bureau, or any other source the department considers at least as reliable, showing the percentage of renter households in the city that are severely rent burdened.

(b) The Housing and Community Services Department, in collaboration with the Department of Land Conservation and Development, shall develop a survey form on which the governing body of

a city may provide specific information related to the affordability of housing within the city, including, but not limited to:

(A) The actions relating to land use and other related matters that the governing body has taken to increase the affordability of housing and reduce rent burdens for severely rent burdened households; and

(B) The additional actions the governing body intends to take to reduce rent burdens for severely rent burdened households.

(c) If the Housing and Community Services Department determines that at least 25 percent of the renter households in a city are severely rent burdened, the department shall provide the governing body of the city with the survey form developed pursuant to paragraph (b) of this subsection.

(d) The governing body of the city shall return the completed survey form to the Housing and Community Services Department and the Department of Land Conservation and Development within 60 days of receipt.

(3)(a) In any year in which the governing body of a city is informed under this section that at least 25 percent of the renter households in the city are severely rent burdened, the governing body shall hold at least one public meeting to discuss the causes and consequences of severe rent burdens within the city, the barriers to reducing rent burdens and possible solutions.

(b) The Housing and Community Services Department may adopt rules governing the conduct of the public meeting required under this subsection.

(4) No later than February 1 of each year, the governing body of each city in this state with a population greater than 10,000 shall submit to the Department of Land Conservation and Development a report for the immediately preceding calendar year setting forth separately for each of the following categories the total number of units that were permitted and the total number that were produced:

(a) Residential units.

(b) Regulated affordable residential units.

(c) Multifamily residential units.

(d) Regulated affordable multifamily residential units.

(e) Single-family *[units]* **homes**.

(f) Regulated affordable single-family *[units]* **homes**.

(g) Accessory dwelling units.

(h) Regulated affordable accessory dwelling units.

(i) Units of middle housing, as defined in section 2 of this 2019 Act.

(j) Regulated affordable units of middle housing.

SECTION 9. ORS 455.610 is amended to read:

455.610. (1) The Director of the Department of Consumer and Business Services shall adopt, and amend as necessary, a Low-Rise Residential Dwelling Code that contains all requirements, including structural design provisions, related to the construction of residential dwellings three stories or less above grade. The code provisions for plumbing and electrical requirements must be compatible with other specialty codes adopted by the director. The Electrical and Elevator Board, the Mechanical Board and the State Plumbing Board shall review, respectively, amendments to the electrical, mechanical or plumbing provisions of the code.

(2) Changes or amendments to the code adopted under subsection (1) of this section may be made when:

(a) Required by geographic or climatic conditions unique to Oregon;

(b) Necessary to be compatible with other statutory provisions;

(c) Changes to the national codes are adopted in Oregon; or

(d) Necessary to authorize the use of building materials and techniques that are consistent with nationally recognized standards and building practices.

(3) Notwithstanding ORS 455.030, 455.035, 455.110 and 455.112, the director may, at any time following appropriate consultation with the Mechanical Board or Building Codes Structures Board,

amend the mechanical specialty code or structural specialty code to ensure compatibility with the Low-Rise Residential Dwelling Code.

(4) The water conservation provisions for toilets, urinals, shower heads and interior faucets adopted in the Low-Rise Residential Dwelling Code shall be the same as those adopted under ORS 447.020 to meet the requirements of ORS 447.145.

(5) The Low-Rise Residential Dwelling Code shall be adopted and amended as provided by ORS 455.030 and 455.110.

(6) The director, by rule, shall establish uniform standards for a municipality to allow an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code in areas where the local jurisdiction determines that the fire apparatus means of approach to a property or water supply serving a property does not meet applicable fire code or state building code requirements. The alternate method of construction, which may include but is not limited to the installation of automatic fire sprinkler systems, must be approved in conjunction with the approval of an application under ORS 197.522.

(7) For lots of record existing before July 2, 2001, or property that receives any approval for partition, subdivision or construction under ORS 197.522 before July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code may apply the uniform standards established by the director pursuant to subsection (6) of this section. For property that receives all approvals for partition, subdivision or construction under ORS 197.522 on or after July 2, 2001, a municipality allowing an alternate method of construction to the requirements for one and two family dwellings built to the Low-Rise Residential Dwelling Code must apply the uniform standards established by the director pursuant to subsection (6) of this section.

(8) The director, by rule, shall establish uniform standards for a municipality to allow alternate approval of construction related to conversions of single-family dwellings into no more than four residential dwelling units built to the Low-Rise Residential Dwelling Code that received occupancy approval prior to January 1, 2020. The standards established under this subsection must include standards describing the information that must be submitted before an application for alternate approval will be deemed complete.

(9)(a) A building official described in ORS 455.148 or 455.150 must approve or deny an application for alternate approval under subsection (8) of this section no later than 15 business days after receiving a complete application.

(b) A building official who denies an application for alternate approval under this subsection shall provide to the applicant:

(A) A written explanation of the basis for the denial; and

(B) A statement that describes the applicant's appeal rights under subsection (10) of this section.

(10)(a) An appeal from a denial under subsection (9) of this section must be made through a municipal administrative process. A municipality shall provide an administrative process that:

(A) Is other than a judicial proceeding in a court of law; and

(B) Affords the party an opportunity to appeal the denial before an individual, department or body that is other than a plan reviewer, inspector or building official for the municipality.

(b) A decision in an administrative process under this subsection must be completed no later than 30 business days after the building official receives notice of the appeal.

(c) Notwithstanding ORS 455.690, a municipal administrative process required under this subsection is the exclusive means for appealing a denial under subsection (9) of this section.

(11) The costs incurred by a municipality under subsections (9) and (10) of this section are building inspection program administration and enforcement costs for the purpose of fee adoption under ORS 455.210.

SECTION 10. (1) It is the policy of the State of Oregon to reduce to the extent practicable administrative and permitting costs and barriers to the construction of middle housing, as defined in section 2 of this 2019 Act, while maintaining safety, public health and the general welfare with respect to construction and occupancy.

(2) The Department of Consumer and Business Services shall submit a report describing rules and standards relating to low-rise residential dwellings proposed under ORS 455.610, as amended by section 9 of this 2019 Act, in the manner provided in ORS 192.245, to an interim committee of the Legislative Assembly related to housing no later than January 1, 2020.

SECTION 11. Section 12 of this 2019 Act is added to and made a part of ORS 94.550 to 94.783.

SECTION 12. A provision in a governing document that is adopted or amended on or after the effective date of this 2019 Act, is void and unenforceable to the extent that the provision would prohibit or have the effect of unreasonably restricting the development of housing that is otherwise allowable under the maximum density of the zoning for the land.

SECTION 13. A provision in a recorded instrument affecting real property is not enforceable if:

(1) The provision would allow the development of a single-family dwelling on the real property but would prohibit the development of:

- (a) Middle housing, as defined in section 2 of this 2019 Act; or
- (b) An accessory dwelling unit allowed under ORS 197.312 (5); and

(2) The instrument was executed on or after the effective date of this 2019 Act.

SECTION 14. (1) Sections 2, 12 and 13 of this 2019 Act and the amendments to ORS 197.296, 197.303, 197.312 and 455.610 and section 1, chapter 47, Oregon Laws 2018, by sections 5 to 9 of this 2019 Act become operative on January 1, 2020.

(2) The Land Conservation and Development Commission, the Department of Consumer and Business Services and the Residential and Manufactured Structures Board may take any actions before the operative date specified in subsection (1) of this section necessary to enable the commission, department or board to exercise, on or after the operative date specified in subsection (1) of this section, the duties required under sections 2, 3 and 10 of this 2019 Act and the amendments to ORS 455.610 by section 9 of this 2019 Act.

SECTION 15. In addition to and not in lieu of any other appropriation, there is appropriated to the Department of Land Conservation and Development, for the biennium beginning July 1, 2019, out of the General Fund, the amount of \$3,500,000 for the purpose of providing technical assistance to local governments in implementing section 3 (1) of this 2019 Act and to develop plans to improve water, sewer, storm drainage and transportation services as described in section 4 (2) of this 2019 Act. The department shall prioritize technical assistance to cities or counties with limited planning staff or that commit to implementation earlier than the date required under section 3 (1) of this 2019 Act.

SECTION 16. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by House June 20, 2019

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 30, 2019

.....
Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2019

Approved:

.....M.,....., 2019

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2019

.....
Bev Clarno, Secretary of State

Division 46 Middle Housing in Medium and Large Cities

Rules as adopted by the Land Conservation and Development Commission December 9, 2020

660-046-0000 Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0235 establish standards related to the siting and design of Middle Housing types in urban growth boundaries. OAR 660-046-0300 to OAR 660-046-0370 establish the form and substance of an application and the review process to delay the enactment of standards related to the siting and design of Middle Housing types in areas with significant infrastructure deficiencies.

660-046-0010 Applicability

1. A local government that is a Medium City or Large City must comply with this division.
2. Notwithstanding section (1), a Medium or Large City need not comply with this division for:
 - a. Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;
 - b. Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and
 - c. Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.
3. A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.
 - a. Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.
 - A. Goal 5 Natural Resources – Pursuant to OAR 660-023-0050 through 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5.
 - i. Medium and Large Cities may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone;
 - ii. Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and
 - iii. If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.
 - B. Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), Medium and Large Cities must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Medium and Large Cities may apply regulations adopted under OAR 660-023-0200 to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a Medium or Large City has not adopted land use regulations to protect significant historic resources listed on the National Register of Historic Places, it must apply protective

measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the Medium or Large City adopts land use regulations in compliance with OAR 660-023-0200. Medium or Large Cities may not apply the following types of regulations specific to Middle Housing:

- i. Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and
 - ii. Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.
- b. Goal 6: Air, Water and Land Resources Quality – Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing.
- c. Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:
 - A. Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and
 - B. Other hazard areas identified in an adopted comprehensive plan or development code; provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:
 - i. Increasing the number of people exposed to a hazard;
 - ii. Increasing risk of damage to property, built, or natural infrastructure; and
 - iii. Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.
- d. Goal 9: Economic Development - Pursuant to OAR 660-009-0025, Medium and Large Cities must adopt measures adequate to implement industrial and other employment development policies, including comprehensive plan designations. Medium and Large Cities may limit the development of Middle Housing on Lots or Parcels Zoned For Residential Use designated for future industrial or employment uses.
- e. Goal 11: Public Facilities and Services - Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. This includes public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing.
- f. Goal 15: Willamette Greenway – Pursuant to OAR 660-015-0005, Medium and Large Cities must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Medium and Large Cities may allow and regulate the development of Middle Housing in the Willamette Greenway, provided that applicable regulations adopted pursuant to Goal 15 comply with ORS 197.307.
- g. Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR chapter 660, division 17, Medium and Large Cities must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality. Medium and Large Cities may prohibit Middle Housing in areas regulated to

- protect estuarine resources under Goal 16 in the same manner as the Medium or Large City prohibits detached single-family dwellings to protect estuarine resources under Goal 16.
- h. Goal 17: Coastal Shorelands – Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational, commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone.
 - i. Goal 18: Beaches and Dunes – Pursuant to OAR 660-015-0010(3), Medium and Large Cities must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes under Goal 18. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:
 - A. Increasing the number of people exposed to a hazard;
 - B. Increasing risk of damage to property, built or natural infrastructure; and
 - C. Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.
 - 4. For the purposes of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the applicable Model Code adopted in this section will be applied to A Local Government That Has Not Acted to comply with the provisions of ORS 197.758 and this division. For such Medium and Large Cities, the applicable Model Code completely replaces and pre-empts any provisions of those Medium and Large Cities' development codes that conflict with the Model Code. The Land Conservation and Development Commission adopts the following Middle Housing Model Codes:
 - a. The Medium City Model Code as provided in Exhibit A; and
 - b. The Large City Model Code as provided in Exhibit B.
 - 5. This division does not prohibit Medium or Large Cities from allowing:
 - a. Single-family dwellings in areas zoned to allow for single-family dwellings; or
 - b. Middle Housing in areas not required under this division.

660-046-0020 Definitions

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

1. "A Local Government That Has Not Acted" means a Medium or Large City that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.
2. "Cottage Cluster" means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. A Medium or Large City may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.
3. "Department" means the Department of Land Conservation and Development.
4. "Design Standard" means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.
5. "Detached single-family dwelling" means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit.
6. "Duplex" means two attached dwelling units on a Lot or Parcel. A Medium or Large City may define a Duplex to include two detached dwelling units on a Lot or Parcel.
7. "Goal Protected Lands" means lands protected or designated pursuant to any one of the following statewide planning goals:
 - a. Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;

- b. Goal 6 Air, Water and Land Resource Quality;
 - c. Goal 7 Areas Subject to Natural Hazards;
 - d. Goal 9 Economic Development;
 - e. Goal 15 Willamette River Greenway;
 - f. Goal 16 Estuarine Resources;
 - g. Goal 17 Coastal Shorelands; and
 - h. Goal 18 Beaches and Dunes.
8. "Large City" means a city with a certified Portland State University Population Research Center estimated population of 25,000 or more or a city with a population over 1,000 within a metropolitan service district. A Large City includes unincorporated areas of counties within a metropolitan service district that are provided with sufficient urban services as defined in ORS 195.065. Sufficient urban services means areas that are within an urban service district boundary.
 9. "Lot or Parcel" means any legally created unit of land.
 10. "Master Planned Community" means a site that is any one of the following:
 - a. Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary that is zoned for or proposed to be Zoned For Residential Use, and which is not currently developed with urban residential uses, for which a Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan;
 - b. Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary for which a Large City adopted, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan after the site was incorporated into the urban growth boundary; or
 - c. Added to the Large City's urban growth boundary after January 1, 2021 for which the Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan.
 11. "Medium City" means a city with a certified Portland State University Population Research Center estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.
 12. "Middle Housing" means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.
 13. "Model Code" means the applicable Model Code developed by the Department and contained in the exhibits in OAR 660-046-0010(4).
 14. "Quadplex" means four attached dwelling units on a Lot or Parcel. A Large City may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.
 15. "Siting Standard" means a standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.
 16. "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:
 - a. Connection to a public sewer system capable of meeting established service levels.
 - b. Connection to a public water system capable of meeting established service levels.
 - c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
 - d. Storm drainage facilities capable of meeting established service levels for storm drainage.
 17. "Townhouse" means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit.
 18. "Townhouse Project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.
 19. "Triplex" means three attached dwelling units on a Lot or Parcel. A Large City may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.

20. “Zoned for Residential Use” means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

660-046-0030 Implementation of Middle Housing Ordinances

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

660-046-0040 Compliance

1. A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 et seq. and the provisions of this division.
2. A Medium or Large City may request from the Department an extension of the time allowed to complete the action under subsection (1) pursuant to the applicable sections of OAR 660-046-0300 through OAR 660-046-0370.
3. A Medium City which is A Local Government That Has Not Acted by June 30, 2021 or within one year of qualifying as a Medium City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) in its entirety to all proposed Middle Housing development applications until such time as the Medium City has adopted provisions under section (1).
4. A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the Large City has adopted provisions under section (1).
5. If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large City’s land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium or Large City is deemed to have acted. Accordingly, the Medium or Large City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:
 - a. The Medium or Large City has adopted land use regulations or amended its comprehensive plan in response to the remand; or
 - b. 120 days after the date of the remand. If the Medium or Large City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium or Large City is deemed not to have acted under sections (3) and (4).
6. If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large city’s land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an

appellate court on any substantive grounds, the Medium or Large City is deemed to have not acted under sections (3) and (4).

7. If a Medium or Large City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the Medium or Large City shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.
8. Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.

660-046-0050 Eligible Local Governments

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

660-046-0100 Purpose of Middle Housing in Medium Cities

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

660-046-0105 Applicability of Middle Housing in Medium Cities

1. A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.
2. OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

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

1. Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).
2. Medium Cities may regulate siting and design of Duplexes, provided that the regulations;
 - a. Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and
 - b. Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.
3. Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.
4. Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:
 - a. Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
 - b. Permitted uses and approval process provided in OAR 660-046-0115;
 - c. Siting standards provided in OAR 660-046-0120;
 - d. Design standards in Medium Cities provided in OAR 660-046-0125;
 - e. Duplex Conversions provided in OAR 660-046-0130; and
 - f. Any siting and design standards contained in the Model Code referenced in section OAR 660-046-0010(4).

660-046-0115 Permitted Uses and Approval Process

Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-007-0015, OAR 660-008-0015, and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

660-046-0120 Duplex Siting Standards in Medium Cities

The following standards apply to all Duplexes:

1. Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City's current lot size minimum for detached single-family dwellings in the same zone.
2. Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.
3. Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.
4. Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.
5. Parking:
 - a. A Medium City may not require more than a total of two off-street parking spaces for a Duplex.
 - b. Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.
6. Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.
7. A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Duplexes.

660-046-0125 Duplex Design Standards in Medium Cities

1. Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.
2. A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

660-046-0130 Duplex Conversions

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

660-046-0200 Purpose of Middle Housing in Large Cities

OAR 660-046-0205 through OAR 660-046-0235 are intended to measure compliance with ORS 197.758 et seq. and Goal 10 Housing for Large Cities.

660-046-0205 Applicability of Middle Housing in Large Cities

1. A Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130.

2. A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:
 - a. Goal-Protected Lands: Large Cities may regulate Middle Housing on Goal-Protected Lands as provided in OAR 660-046-0010(3);
 - b. Master Planned Communities: Large Cities may regulate or limit the development of Middle Housing in Master Planned Communities as follows:
 - A. If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan after January 1, 2021, it must allow the development of all Middle Housing types as provided in OAR 660-046-0205 through OAR 660-046-0235.
 - i. A Large City must plan to provide urban water, sanitary sewer, stormwater, and transportation systems that accommodate at least 20 dwelling units per net acre if located within a metropolitan service district boundary, and 15 dwelling units per net acre if located outside of a metropolitan service district boundary.
 - ii. If a proposed Middle Housing development exceeds the planned public service capacity of a Master Plan, the Large City may require the applicant demonstrate, through an amended public facility plan or similar mechanism, the sufficient provision of public services needed to serve the proposed development.
 - iii. A Large City may require a mix of two or more Middle Housing types within a Master Plan or portions of a Master Plan.
 - iv. A Large City may designate areas within the master plan exclusively for other housing types, such as multi-family residential structures of five dwelling units or more or manufactured home parks.
 - B. If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan before January 1, 2021, it may limit the development of Middle Housing other than Duplexes provided it authorizes in the entire master plan area a net residential density of at least eight dwelling units per acre and allows all dwelling units, at minimum, to be detached single-family dwellings or Duplexes. A Large City may only apply this restriction to portions of the area not developed as of January 1, 2021, and may not apply this restriction after the initial development of any area of the master plan or a plan that functions in the same manner as a master plan, except that a Large City may prohibit redevelopment of other housing types, such as multi-family residential structures and manufactured home parks.
 - c. Impacted by State or Federal Law: A Large City must demonstrate that regulations or limitations of Middle Housing other than Duplexes are necessary to implement or comply with an established state or federal law or regulation on these types of lands.
3. A Large City may:
 - a. Allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-family dwellings, in areas zoned for residential use that allow for the development of detached single-family dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235; or
 - b. Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that the applicable Middle Housing type other than Duplexes is allowed on the following percentage of Lots and Parcels zoned for residential use that allow for the development of detached single-family dwellings, excluding lands described in subsection (2):
 - A. Triplexes – Must be allowed on 80% of Lots and Parcels;
 - B. Quadplexes - Must be allowed on 70% of Lots and Parcels;
 - C. Townhouses - Must be allowed on 60% of Lots and Parcels; and
 - D. Cottage Clusters – Must be allowed on 70% of Lots and Parcels.

- E. A Middle Housing type is “allowed” on a Lot or Parcel when the following criteria are met:
 - i. The Middle Housing type is a permitted use on that Lot or Parcel under the same administrative process as a detached single-family dwelling in the same zone;
 - ii. The Lot or Parcel has sufficient square footage to allow the Middle Housing type within the applicable minimum lot size requirement;
 - iii. Maximum density requirements do not prohibit the development of the Middle Housing type on the subject Lot or Parcel; and
 - iv. The applicable siting or design standards do not individually or cumulatively cause unreasonable cost or delay to the development of that Middle Housing type as provided in OAR 660-046-0210(3).
- F. A Large City must ensure the equitable distribution of Middle Housing by allowing, as defined in subsection (3)(b)(E) above, at least one Middle Housing type other than Duplexes and Cottage Clusters on 75 percent or more of all lots and parcels zoned for residential use that allow for the development of detached single-family dwellings within each census block group, with at least four eligible Lots and Parcels as described in subsection (2) of this section, within a Large City.
- G. Large Cities must demonstrate continuing compliance with subsection (3)(b) at the following intervals:
 - i. At the initial submittal of a Middle Housing comprehensive plan or land use regulation change, in accordance with OAR Chapter 660, Division 18;
 - ii. At any future Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required earlier than six years after initial adoption of acknowledged land use regulations in compliance with this division; and
 - iii. With any future comprehensive plan or land use regulation changes that implements this division, in accordance with OAR Chapter 660, Division 18, for Large Cities that are not subject to the Housing Capacity Analysis Deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required more frequently than once every six years after initial adoption of acknowledged land use regulations in compliance with this division.
- 4. Pursuant to OAR 660-046-0205 through OAR 660-046-0230, the following numerical standards related to Middle Housing types apply:
 - a. Duplexes – Large Cities may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.
 - b. Triplexes and Quadplexes – Large Cities may allow more than four dwelling units on a lot, including any accessory dwelling units.
 - c. Townhouses – Large Cities must require at least two attached Townhouse dwelling units and must allow up to four attached Townhouse units subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. A Large City may allow five or more attached Townhouse dwelling units.
 - d. Cottage Clusters –
 - A. A Large City is not required to set a minimum number of dwelling units in a Cottage Cluster, but if it chooses to, it may require a minimum of three, four, or five dwelling units in a Cottage Cluster. A Large City may allow, but may not require, greater than five units in a Cottage Cluster.
 - B. A Large City must allow up to eight cottages per common courtyard subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. Nothing in this section precludes a Large City from permitting greater than eight dwelling units per common courtyard.

660-046-0210 Provisions Applicable to Middle Housing in Large Cities

1. Large Cities may regulate Middle Housing to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).
2. Large Cities may regulate siting and design of Middle Housing, provided that the regulations;
 - a. Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197.307; and
 - b. Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.
3. Siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay include only the following:
 - a. Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);
 - b. Permitted uses and approval processes provided in OAR 660-046-0215;
 - c. Siting standards provided in OAR 660-046-0220;
 - d. Design standards in Large Cities provided in OAR 660-046-0225;
 - e. Middle Housing Conversions provided in OAR 660-046-0230;
 - f. Alternative siting or design standards provided in OAR 660-046-0235; and
 - g. Any siting and design standards contained in the Model Code referenced in section OAR 660-046-0010(4).

660-046-0215 Permitted Uses and Approval Process

Large Cities must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone. Pursuant to OAR 660-008-0015 and ORS 197.307, Large Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Middle Housing consistent with the requirements of ORS 197.307. Nothing in this rule prohibits a Large City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

660-046-0220 Middle Housing Siting Standards in Large Cities

1. Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120.
2. The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:
 - a. Minimum Lot or Parcel Size:
 - A. For Triplexes:
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 5,000 square feet, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - B. For Quadplexes:
 - i. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.
 - ii. If the minimum Lot or Parcel size in the zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - C. A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs A. or B.

- b. Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplex and Triplexes.
 - c. Setbacks: A Large City may not require setbacks greater than those applicable to detached single-family dwellings in the same zone.
 - d. Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone, except a maximum height may not be less than 25 feet or two stories.
 - e. Parking:
 - A. For Triplexes, a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total.
 - B. For Quadplexes, a Large City may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of less than 3,000 square feet: one space in total;
 - ii. For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;
 - iii. For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and
 - iv. For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total.
 - C. A Large City may allow on-street parking credits to satisfy off-street parking requirements.
 - D. A Large City may allow, but may not require, off-street parking to be provided as a garage or carport.
 - E. A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.
 - F. A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230.
 - f. Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City applies Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-family dwelling in the same zone.
 - g. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Triplex or Quadplex development application.
3. The following governs Large Cities' regulation of siting standards related to Townhouses:
- a. Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less.
 - b. Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels.
 - c. Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-family dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less.

- d. Setbacks: A Large City may not require front, side, or rear setbacks to be greater than those applicable to detached single-family structures in the same zone and must allow zero-foot side setbacks for Lot or Parcel lines where Townhouse units are attached.
 - e. Height: A Large City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone. If a Large City requires covered or structured parking for townhouses, the applicable height standards must allow construction of at least three stories. If a Large City does not require covered or structured parking, the applicable height standards must allow construction of at least two stories.
 - f. Parking:
 - A. A Large City may not require more than one off-street parking space per Townhouse dwelling unit.
 - B. Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.
 - C. A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone.
 - g. Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or individually limit the bulk and scale of the cumulative Townhouse Project greater than that of a single-family detached dwelling.
 - h. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Townhouse development application.
4. The following governs Large Cities' regulation of siting standards related to Cottage Clusters:
- a. Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, the following provisions apply:
 - A. If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.
 - B. If the minimum Lot or Parcel size in the same zone for a detached single-family dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-family dwelling.
 - b. Minimum Lot or Parcel Width: A Large City is not required to apply minimum Lot or Parcel width standards to Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel width for Cottage Clusters, it may not require a minimum Lot or Parcel width that is greater than the standard for a single-family detached dwelling in the same zone.
 - c. Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre.
 - d. Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-family dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet.
 - e. Dwelling Unit Size: A Large City may limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building footprint of 900 square feet per dwelling unit. A Large City may exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.
 - f. Parking:

- A. A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster.
- B. A Large City may allow but may not require off-street parking to be provided as a garage or carport.
- C. Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements.
- g. Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters.
- h. Nothing in this division precludes a Large City from allowing Cottage Cluster dwelling units on individual Lots or Parcels within the Cottage Cluster development.
- i. A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Cottage Cluster development application.

660-046-0225 Middle Housing Design Standards in Large Cities

1. A Large City is not required to apply design standards to Middle Housing. However, if a Large City chooses to apply design standards to Middle Housing, it may only apply the following:
 - a. Design standards in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
 - b. Design standards that are less restrictive than those in the Model Code for Large Cities in OAR 660-046-0010(4)(b);
 - c. The same clear and objective design standards that the Large City applies to detached single-family structures in the same zone. Design standards may not scale by the number of dwelling units or other features that scale with the number of dwelling units, such as primary entrances. Design standards may scale with form-based attributes, including but not limited to floor area, street-facing façade, height, bulk, and scale; or
 - d. Alternative design standards as provided in OAR 660-046-0235.
2. A Large City may not apply design standards to Middle Housing created as provided in OAR 660-046-0230.

660-046-0230 Middle Housing Conversions

1. Additions to, or conversions of, an existing detached single-family dwelling into Middle Housing is allowed in Large Cities pursuant to OAR 660-046-0205(2), provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the Large City's development code.
2. If Middle Housing is created through the addition to, or conversion of, an existing single-family detached dwelling, a Large City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Middle Housing.
3. A preexisting detached single-family dwelling may remain on a Lot or Parcel with a Cottage Cluster as described below:
 - a. The preexisting single-family dwelling may be nonconforming with respect to the requirements of the applicable code;
 - b. The preexisting single-family dwelling may be expanded up to the maximum height, footprint, or unit size required by the applicable code; however, a preexisting single-family dwelling that exceeds the maximum height, footprint, or unit size of the applicable code may not be expanded;
 - c. The preexisting single-family dwelling shall count as a unit in the Cottage Cluster;
 - d. The floor area of the preexisting single-family dwelling shall not count towards any Cottage Cluster average or Cottage Cluster project average or total unit size limits; or
 - e. A Large City may apply a time limit on the conversion of a single-family dwelling to a Cottage Cluster not to exceed five years.

660-046-0235 Alternative Siting or Design Standards

A Large City may adopt Siting or Design Standards not authorized by OAR 660-046-0220 or OAR 660-046-0225 as allowed under subsection (1) below if the city can demonstrate that it meets the applicable criteria laid out in either subsection (1) below. Siting or Design standards do not include minimum Lot or Parcel size and maximum density requirements.

1. A Large City must submit to the Department findings and analysis demonstrating that the proposed standard or standards will not, individually or cumulatively, cause unreasonable cost or delay to the development of Middle Housing. To demonstrate that, the Large City must consider how a standard or standards, individually and cumulatively, affect the following factors in comparison to what is would otherwise be required under OAR 660-046-0220 or OAR 660-046-0225:
 - a. The total time and cost of construction, including design, labor, and materials;
 - b. The total cost of land;
 - c. The availability and acquisition of land, including areas with existing development;
 - d. The total time and cost of permitting and fees required to make land suitable for development;
 - e. The cumulative livable floor area that can be produced; and
 - f. The proportionality of cumulative time and cost imposed by the proposed standard(s) in relationship to the public need or interest the standard(s) fulfill.



Residential Site and Design Review: Design & Development Standards

City of McMinnville, Oregon

Revised Draft | May 2021

u r b s w o r k s

Great Neighborhood Principles

1. **Natural Feature Preservation.** Great Neighborhoods are sensitive to the natural conditions and features of the land.

- » Neighborhoods shall be designed to preserve significant natural features including, but not limited to, watercourses, sensitive lands, steep slopes, wetlands, wooded areas, and landmark trees.

2. **Scenic Views.** Great Neighborhoods preserve scenic views in areas that everyone can access.

- » Public and private open spaces and streets shall be located and oriented to capture and preserve scenic views, including, but not limited to, views of significant natural features, landscapes, vistas, skylines, and other important features.

3. **Parks and Open Spaces.** Great Neighborhoods have open and recreational spaces to walk, play, gather, and commune as a neighborhood.

- » Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.
- » Central parks and plazas shall be used to create public gathering spaces where appropriate.
- » Neighborhood and community parks shall be developed in appropriate locations consistent with the policies in the Parks Master Plan.

4. **Pedestrian Friendly.** Great Neighborhoods are pedestrian friendly for people of all ages and abilities.

- » Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.
- » Pedestrian connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces, and shall also be provided between streets that are disconnected (such as cul-de-sacs or blocks with lengths greater than 400 feet).

5. **Bike Friendly.** Great Neighborhoods are bike friendly for people of all ages and abilities.

- » Neighborhoods shall include a bike network that provides for a safe and enjoyable biking experience, and that encourages an increased use of bikes by people of all abilities for a variety of reasons, including, but not limited to, health, transportation, and recreation.
- » Bike connections shall be provided to commercial areas, schools, community facilities, parks, trails, and open spaces.

6. **Connected Streets.** Great Neighborhoods have interconnected streets that provide safe travel route options, increased connectivity between places and destinations, and easy pedestrian and bike use.

- » Streets shall be designed to function and connect with the surrounding built environment and the existing and future street network, and shall incorporate human scale elements including, but not limited to, Complete Streets features as defined in the Comprehensive Plan, grid street networks, neighborhood traffic management techniques, traffic calming, and safety enhancements.
- » Streets shall be designed to encourage more bicycle, pedestrian and transit mobility with a goal of less reliance on vehicular mobility.

7. **Accessibility.** Great Neighborhoods are designed to be accessible and allow for ease of use for people of all ages and abilities.

- » To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.
- » Design practices should strive for best practices and not minimum practices.

8. Human Scale Design. Great Neighborhoods have buildings and spaces that are designed to be comfortable at a human scale and that foster human interaction within the built environment.

- » The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.
- » Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.
- » Public spaces include design elements that promote comfortability and ease of use at a human scale, including, but not limited to, street trees, landscaping, lighted public areas, and principles of Crime Prevention through Environmental Design (CPTED).

9. Mix of Activities. Great Neighborhoods provide easy and convenient access to many of the destinations, activities, and local services that residents use on a daily basis.

- » Neighborhood destinations including, but not limited to, neighborhood serving commercial uses, schools, parks, and other community services, shall be provided in locations that are easily accessible to surrounding residential uses.
- » Neighborhood-serving commercial uses are integrated into the built environment at a scale that is appropriate with the surrounding area.
- » Neighborhoods are designed such that owning a vehicle can be optional.

10. Urban-Rural Interface. Great Neighborhoods complement adjacent rural areas and transition between urban and rural uses.

- » Buffers or transitions in the scale of uses, buildings, or lots shall be provided on urban lands adjacent to rural lands to ensure compatibility.

11. Housing for Diverse Incomes and Generations. Great Neighborhoods provide housing opportunities for people and families with a wide range of incomes, and for people and families in all stages of life.

- » A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

12. Housing Variety. Great Neighborhoods have a variety of building forms and architectural variety to avoid monoculture design.

- » Neighborhoods shall have several different housing types.
- » Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.

13. Unique and Integrated Design Elements. Great Neighborhoods have unique features, designs, and focal points to create neighborhood character and identity. Neighborhoods shall be encouraged to have:

- » Environmentally friendly construction techniques, green infrastructure systems, and energy efficiency incorporated into the built environment.
- » Opportunities for public art provided in private and public spaces.
- » Neighborhood elements and features including, but not limited to, signs, benches, park shelters, street lights, bike racks, banners, landscaping, paved surfaces, and fences, with a consistent and integrated design that are unique to and define the neighborhood.

Introduction

Project Purpose

The purpose of this work is to permit a wider variety of housing types while maintaining the character and values of McMinnville. These types provide greater options for the community and help implement the City's vision for housing, including the Great Neighborhood Principles.

The proposed housing types range in size, affordability, and configurations, including attached and detached dwellings. The development standards for each housing type were calibrated specifically for McMinnville.

Organization of This Document

This document is organized into 2 parts: Development Standards by Housing Type and Universal Design Standards. Part 1 includes an introduction to each housing type, example photos, and a development standards table with accompanying plan and section diagrams. Part 2 includes a variety of universal design standards. These standards apply to all housing types, with some exceptions. See the Universal Design Standards Summary Table on Page 45 for more detail.

Document Outline:

Part 1: Development Standards by Housing Type

- » Housing Type Summary
- » Tiny House
- » Cottage Cluster
- » Plex
- » Single Dwelling
- » Townhouse
- » Accessory Dwelling Unit (ADU)
- » Apartment Types

Part 2: Universal Design Standards

- » Street Frontage
- » Front Yard
- » Alleys
- » Parking
- » Common Open Space
- » Private Open Space
- » Compatibility
- » Façade
- » Subdivisions: modular blocks, partial alley, usable side yard setback lots, and common greens

Introduction

Introduction to Development Standards Tables

Each housing type has a development standards table. The table has information about minimum lot sizes, setbacks, height limitations, parking, and other relevant standards.

With alleys, without alleys, and infill.

Each housing type has minimum lot dimensions based on three conditions.

- » A home with an alley
- » A home without an alley
- » An infill home

Development standards vary depending on the above conditions, mostly due to parking. Lot widths for homes *without* an alley tend to be wider to accommodate space for a driveway. Lots for homes *with* an alley can be narrower in width because parking is permitted directly off of the alley.

The development standards for lots with or without an alley are applicable to new development and selected planned development.

The development standards for infill are required to match those of the existing zoning and adjacent lots.

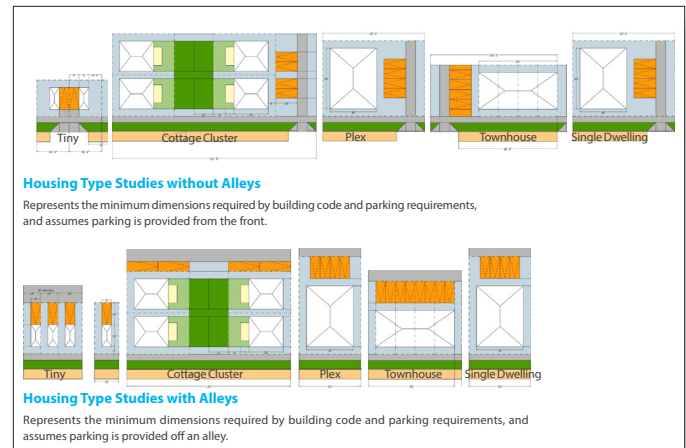
Townhouse Development Standards

TOWNHOUSE DEVELOPMENT STANDARDS			
	WITH ALLEY	WITHOUT ALLEY	INFILL
a Lot width (feet)	Min. 20	Min. 40	Min. 40
b Lot depth (feet)	Min. 60	Min. 80	Min. 80
c Lot size (square feet)	Min. 1,200	Min. 3,200	Min. 3,200
d Front setback (feet)	Min. 15	Min. 15	Match existing
e Side setback (feet)	Min. 0, 15 exterior	Min. 0, Min. 10 exterior	Min. 0, Min. 10 exterior
f Rear setback (feet)	0 with garage, 20 without garage ¹	Min. 20	Min. 20
g Building height (feet)	Max. 35	Max. 35	Max. 35
h Parking Zone	<p>For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage. The front setback for garages and surface parking areas is specified in Parking Development and Design Standards, Garage Setback. Side yard setback for parking zone: minimum 3 feet except for infill then the minimum side yard setback is 7.5 feet.</p> <p>For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages and surface parking areas is specified in Parking Development and Design Standards, Garage Setback. Side yard setback for parking zone: minimum 3 feet, except for infill then the minimum side yard setback is 7.5 feet.</p>		
Driveways	Driveway width excluding apron: maximum 20 feet for single, 18 feet for double. Required distance between driveways: 24 feet, except when driveways are paired, then zero distance permitted.		
Off-street Parking	1 per unit		
i Number of adjoining units	Max. 4	Max. 4	Max. 4
Universal Design Standards and Subdivision Standards that apply	<p>Street frontage</p> <p>Front yard</p> <p>Alleys</p> <p>Private open space</p> <p>Compatibility</p> <p>Façade</p> <p>Parking</p> <p>Subdivision Standards: Zero Lot Line, Through Block and Corner Common Greens</p>		

Introduction

Alleys or Driveways

Each housing type has its own unique characteristics, and these are described in the “Concept” and “Guiding Principles” sections. For example, the minimum lot dimensions may be different for each housing type. The minimum lot width for example, may vary depending on whether on-site parking is provided from the street, in the form of driveways, or from the rear of the site, via an alley.



Housing type studies showing the difference in the width of a lot with a driveway (top) versus with an alley (bottom).

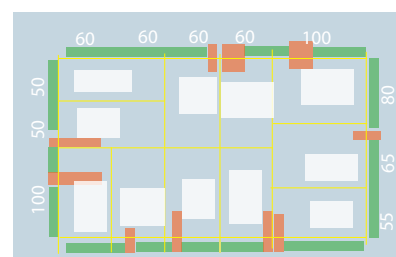
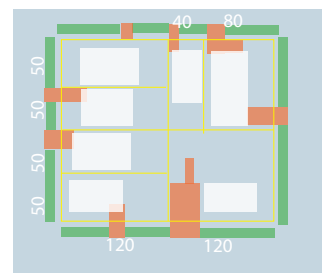
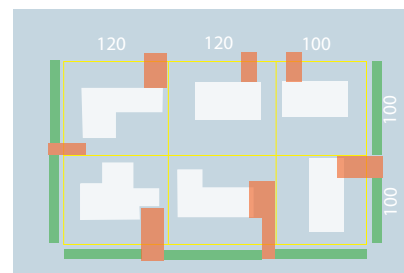
Context Studies for Infill Development

For infill housing, certain development standards are required to match those of the existing zoning and adjacent lots.

Development patterns of existing neighborhoods in McMinnville were studied in order to inform the infill development standards.

Lot width and front setback vary widely from neighborhood to neighborhood, depending on the era of development. Traditional neighborhoods built before the 1950s have deeper front setbacks and narrow lot widths. Dwellings are typically 1.5 to 2 stories tall and parking is usually at the rear of the lot, at the end of a driveway. Homes built in the mid-century and later (after the 1950s), sit on lots that are wider and less deep. Dwellings are typically one story tall. Parking is often provided in a garage built onto the side of the dwelling.

There is a wide variety of neighborhood development patterns. Because of this, and the desire to maintain neighborhood character while accommodating a wide variety of housing types, selected development standards are required to match those of existing zone, subdivision, or Planned development overlay district.



Existing neighborhood patterns vary. Studies of existing neighborhoods show building footprints in white, driveways and parking in orange, and street frontage in green.

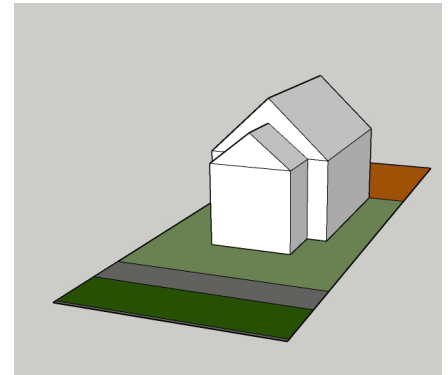
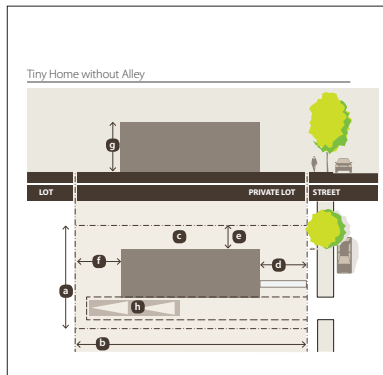
Part 1

Development Standards by Housing Type

Housing Type Summary

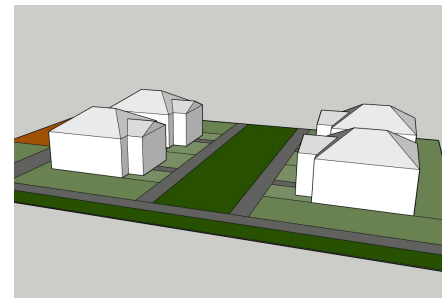
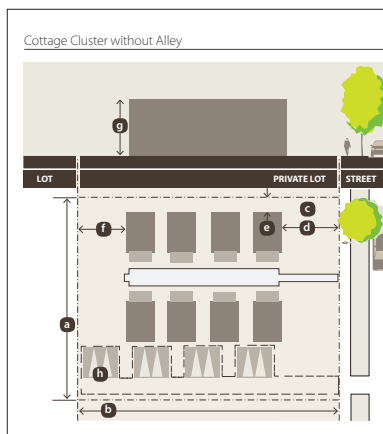
Tiny House

A Tiny House is a small permanent detached unit no more than 400 square feet.



Cottage Clusters

A grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard; A city may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.



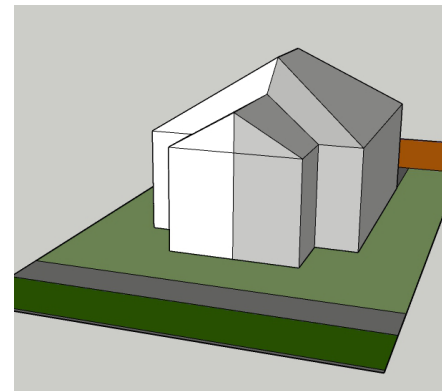
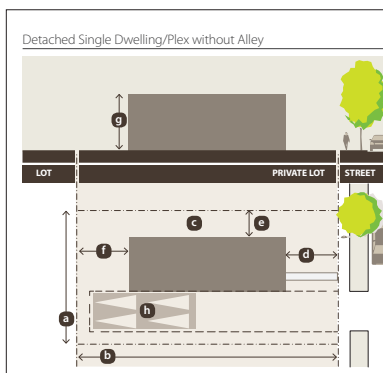
Plexes

Plexes include duplexes (two units), triplexes (three units), and quadplexes (four units).

Duplex: Two dwelling units on a single lot, may be attached or detached

Triplex: Three dwelling units on a single lot, may be attached or detached.

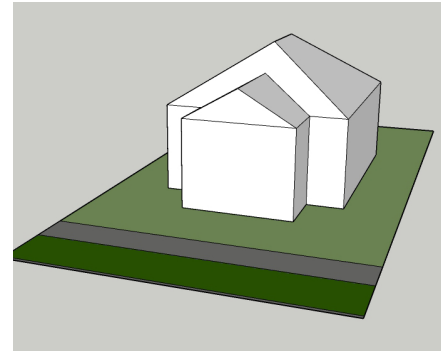
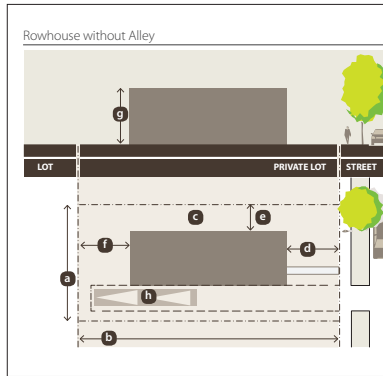
Quadplex: Four dwelling units on a single lot, may be attached or detached.



Housing Type Summary

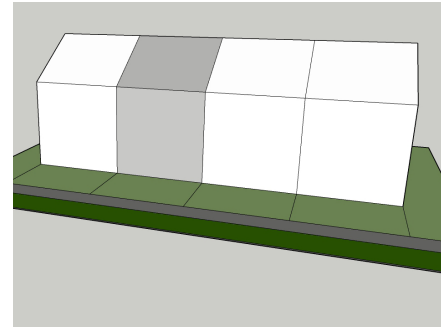
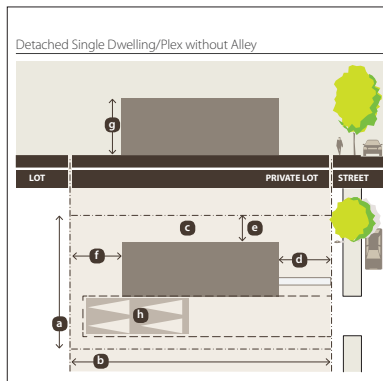
Single Dwellings

A detached building containing one dwelling unit. Single dwelling standards apply to units that are larger than 400 square feet.



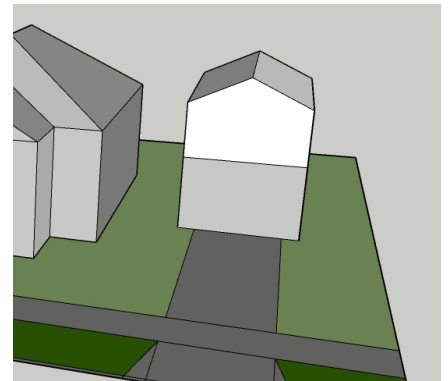
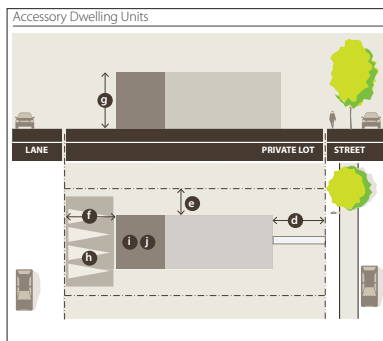
Townhouses

A dwelling unit, located on its own lot, that shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 25 percent of the length of the side of the building. The shared or abutting walls may be any wall of the buildings, including the walls of attached garages. Each dwelling unit has its own external entrance.



Accessory Dwelling Unit (ADU)

An ADU is a secondary, self-contained single-family dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-dwelling. An accessory dwelling may be located within, attached to or detached from the primary single dwelling.



Apartment Block

Stacked flats in a single building or groups of buildings on a single lot. Parking is shared, and entrance to units is typically accessed through a shared lobby.

Walk-Up Apartment

Buildings are limited to three stories, and consist of about four to 12 units each, accessible from a single open air stair. Individual apartment buildings are arranged around common open space and shared parking areas.

Courtyard Apartment

Attached housing units arranged around a courtyard, each with its own entry or other access off of the courtyard.

Tiny House

Concept

A Tiny House is a small permanent detached unit no more than 400 square feet. Because tiny houses are substantially smaller than a typical single dwelling, they may provide a less expensive home ownership product than a larger single family house.

Tiny houses may provide a less expensive home ownership product than a larger single family house.

Guiding Principle

Tiny houses should each have their own private open space and be situated similarly to single dwellings by facing the primary adjacent street. Tiny houses grouped in a cluster on a single lot should follow the standards and guidelines of a Cottage Cluster.



Landscaping and front stoop provide transition between public and private space.

Tiny House



Tiny house with front porch and recessed entry.



Tiny House Development Standards

TINY HOUSE DEVELOPMENT STANDARDS			
	TINY HOUSE WITH ALLEY	TINY HOUSE WITHOUT ALLEY	INFILL
a Lot width (feet)	Min. 25	Min. 35	Match existing zone, subdivision, or Planned Development overlay district.
b Lot depth (feet)	Min. 55	Min. 60	
c Lot size (square feet)	Min. 1,400	Min. 2,100	
d Front setback (feet)	Min. 10 ¹ or 15	Min. 15	Match existing ²
e Side setback (feet)	Interior: Min. 3 ³ or 5 Exterior: 10	Interior: Min. 3 ³ or 5 Exterior: 10	Interior: Min. 7.5 Exterior: Min. 15
f Rear setback (feet)	0 with garage, 20 without garage. ⁴	Min. 20	Min. 20
g Building height (feet)	Max. 25	Max. 25	Max. 25
h Parking Zone	<p>For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage.</p> <p>For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback and setbacks is specified in Parking Development and Design Standards, Garage Setback.</p>		
Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
Off-street Parking	See McMinnville Municipal Code Chapter 17.60		
Universal Design Standards and Subdivision Standards that apply	<p>Street frontage</p> <p>Front yard</p> <p>Alleys</p> <p>Private open space</p> <p>Compatibility</p> <p>Façade</p> <p>Parking</p> <p>Subdivision Standards: Usable Side Yard, Through Block, and Corner Common Greens</p>		

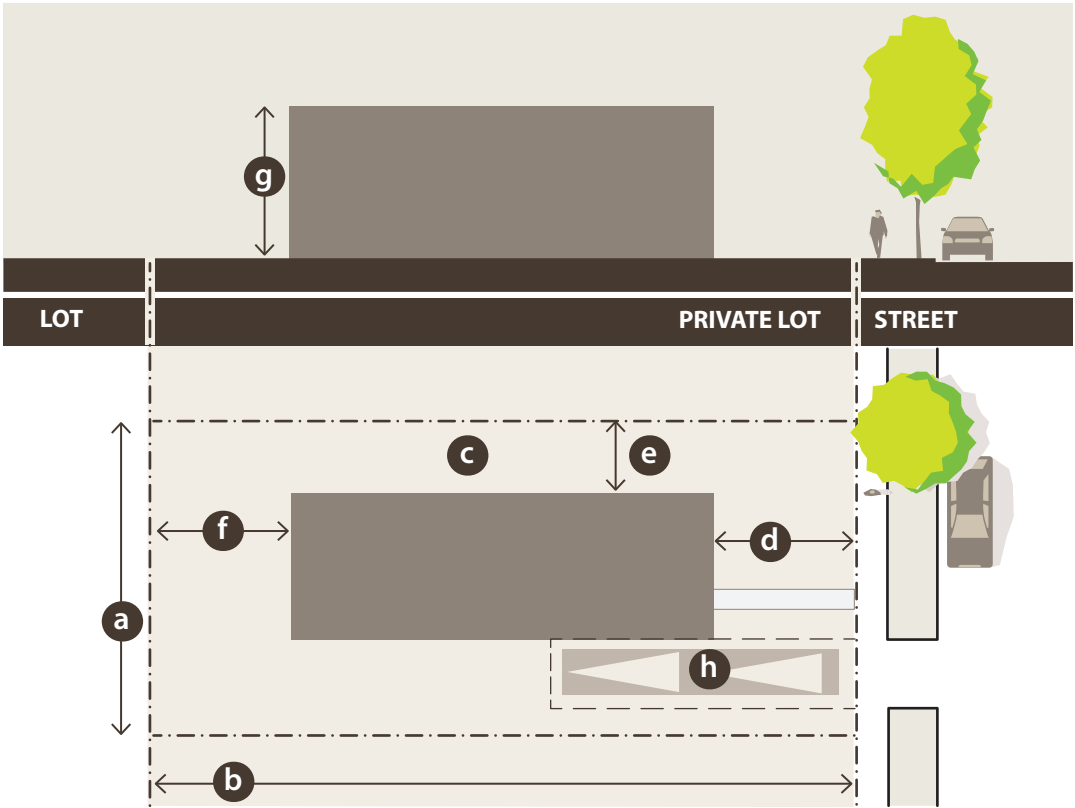
¹ Must meet all requirements of Universal Design Standards: Front Yard (Type2) Urban Type

² Per McMinnville Municipal Code Section 17.54.050.

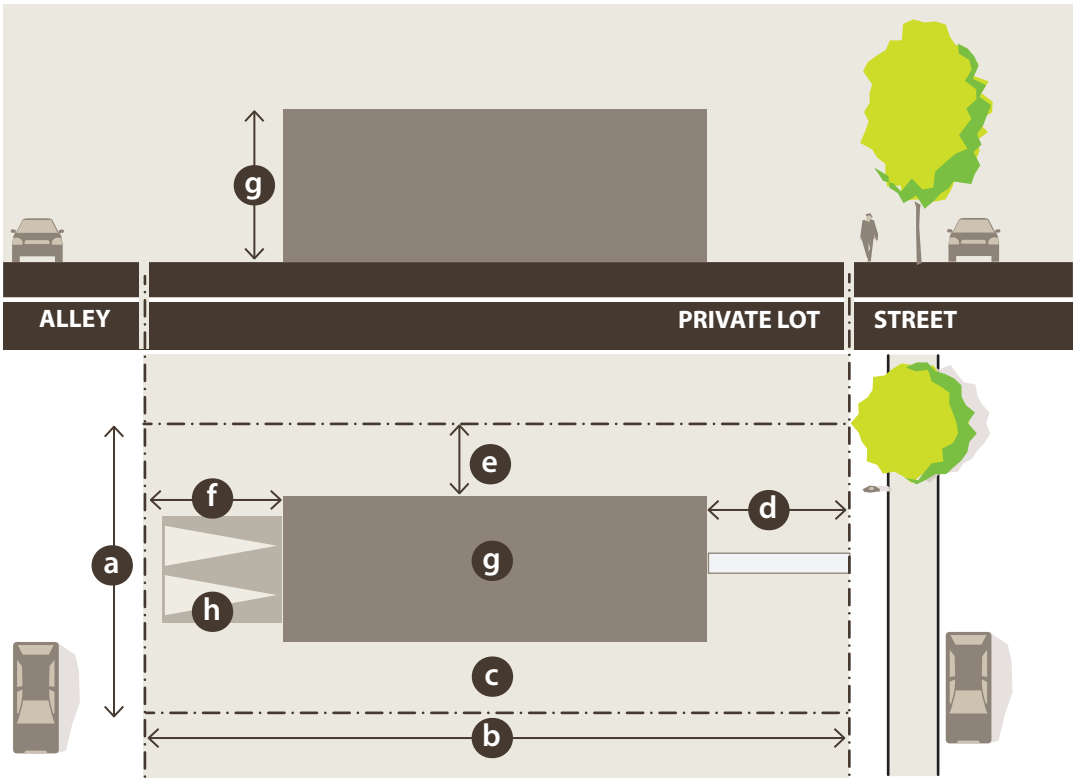
³ Must meet all requirements of Usable Side Yard Subdivision standards.

⁴ From alley property or easement line.

Tiny House without Alley



Tiny House with Alley



Cottage Cluster

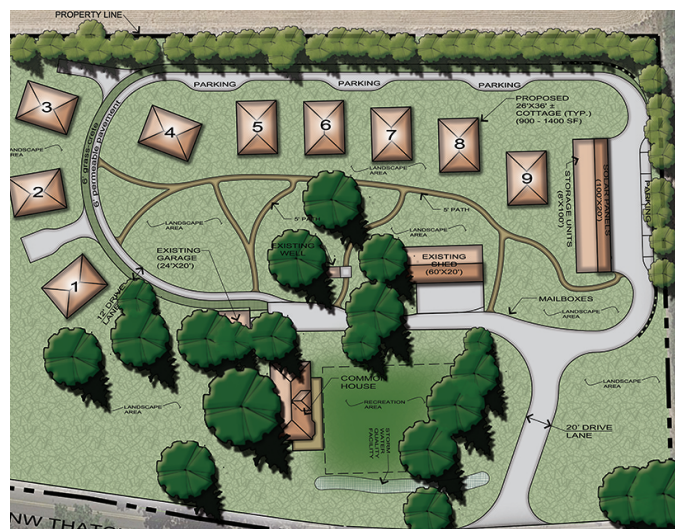


Cottages with layers of open space from private porches to common shared open space.

Concept

A grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard; A city may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels. Given their small footprint and low profile, cottages may provide an alternative housing option that fits seamlessly into detached single family neighborhoods.

Cottage Clusters may fit seamlessly into existing residential neighborhoods. Their configuration around shared open space may work well for odd-shaped lots and lots with sensitive natural resources.



Cottage cluster design with shared common house and parking grouped in small areas.

Guiding Principle

Shared open space should be provided and located so that it serves as a central feature of the cluster of dwellings.

Layer zones of landscaping to create a gradual transition from the commonly owned green to the privately-owned garden and porch of individual dwellings.

Spacing between cottage cluster housing units shall meet applicable building code requirements.

Cottage Cluster



Cottage on the corner has setback from the walking path.



Cottages towards the back have a smaller setback in relation to the walking path.

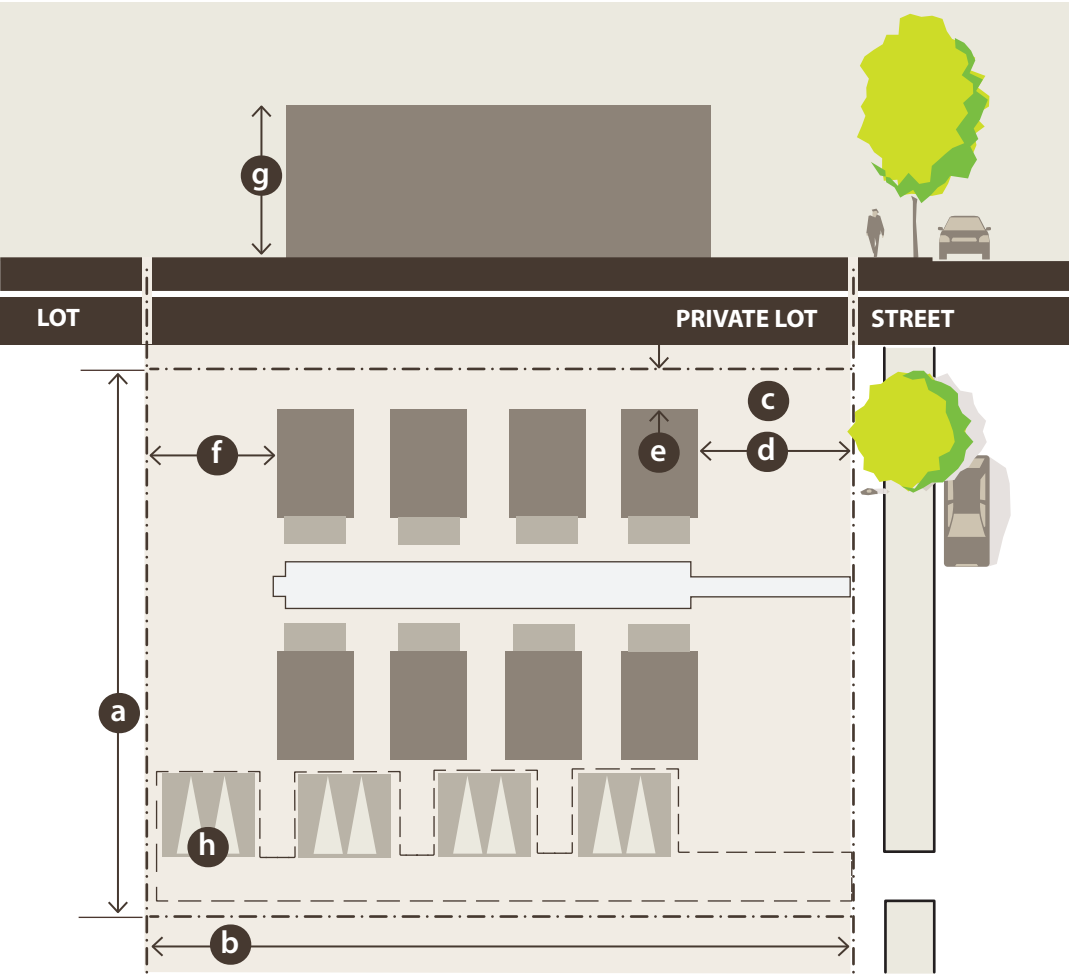
Cottage Cluster Development Standards

COTTAGE CLUSTER DEVELOPMENT STANDARDS			
	WITH ALLEY	WITHOUT ALLEY	INFILL
a Lot width (feet)	Min. 100	Min. 100	Match existing zone, subdivision, or Planned Development overlay district.
b Lot depth (feet)	Min. 100	Min. 100	
c Lot size (square feet)	Min. 10,000	10,000	
d Front setback (feet)	Min. 15	Min. 15	Match existing ¹
e Side setback (feet)	Interior: Min. 7.5 Exterior: 10	Interior: Min. 7.5 Exterior: 10	Interior: Min. 7.5 Exterior: Min. 15
f Rear setback (feet)	0 with garage, 20 without garage. ²	Min. 20	Min. 20
g Building height (feet)	Max. 25	Max. 25	Max. 25
h Parking Zone	<p>For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage.</p> <p>For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.</p>		
Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
Off-street Parking	<p>See McMinnville Municipal Code Chapter 17.60</p> <p>Cottage Cluster developments utilize shared parking areas and a shared driveway limited to one driveway per street frontage.</p>		
Minimum number of units	4	4	4
Universal Design Standards and Subdivision Standards that apply	<p>Street frontage</p> <p>Front yard</p> <p>Alleys</p> <p>Private open space</p> <p>Common open space</p> <p>Compatibility</p> <p>Façade</p> <p>Parking</p> <p>Subdivision Standards: Usable Side Yard, Through Block, and Corner Common Greens</p>		

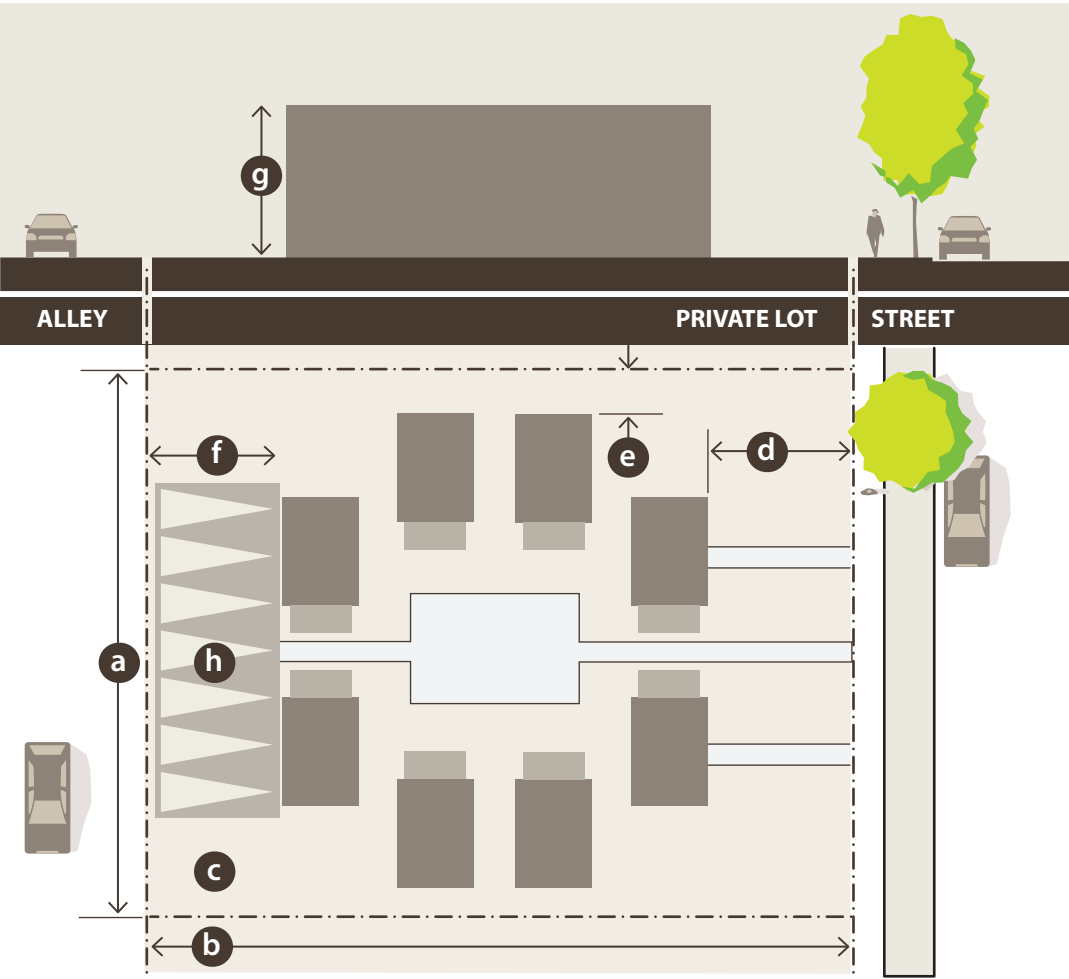
¹ Per McMinnville Municipal Code Section 17.54.050.

² From alley property or easement line.

Cottage Cluster without Alley



Cottage Cluster with Alley



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Plex

Concept

A Plex is multiple dwellings on one lot (limited to four) stacked and/or side-by-side in a single structure, or detached in separate structures. Plexes include duplexes (two units), triplexes (three units), and quadplexes (four units) on a single lot.

Plexes include duplexes, triplexes and quadplexes.

Guiding Principle

Plex designs should be similar in size, scale and appearance when integrated into an existing single dwelling neighborhood.

When situated on a corner lot, orient each entrance to a different street for privacy and neighborhood compatibility.



Single dwelling converted into a duplex.



A porch railing separates entries and provides privacy to each unit, while creating a cohesive porch across the front.

Plex



The scale and form of this plex fit with the surrounding context.



Mirroring balconies gives private outdoor space to each dwelling.

Plex Development Standards

PLEX DEVELOPMENT STANDARDS			
	WITH ALLEY	WITHOUT ALLEY	INFILL
a Lot width (feet)	Min. 35	Min. 50	Match existing zone, subdivision, or Planned Development overlay district.
b Lot depth (feet)	Min. 65	Min. 65	
c Lot size (square feet)	Min. 2,300	Min. 3,300	
d Front setback (feet)	Min. 10 ¹ or 15	Min. 15	Match existing ²
e Side setback (feet)	Interior: Min. 3 ³ or 7.5 Exterior: 10	Interior: Min. 3 ³ or 7.5 Exterior: 10	Interior: Min. 7.5 Exterior: Min. 15
f Rear setback (feet)	0 with garage, 20 without garage. ³	Min. 20	Min. 20
g Building height (feet)	Max. 35	Max. 35	Max. 35
h Parking Zone	<p>For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage.</p> <p>For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking Development and Design Standards, Garage Setback.</p>		
Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
Off-street Parking	See McMinnville Municipal Code Chapter 17.60		
Universal Design Standards and Subdivision Standards that apply	<p>Street frontage</p> <p>Front yard</p> <p>Alleys</p> <p>Private open space</p> <p>Compatibility</p> <p>Façade</p> <p>Parking</p> <p>Subdivision Standards: Usable Side Yard, Through Block, and Corner Common Greens</p>		

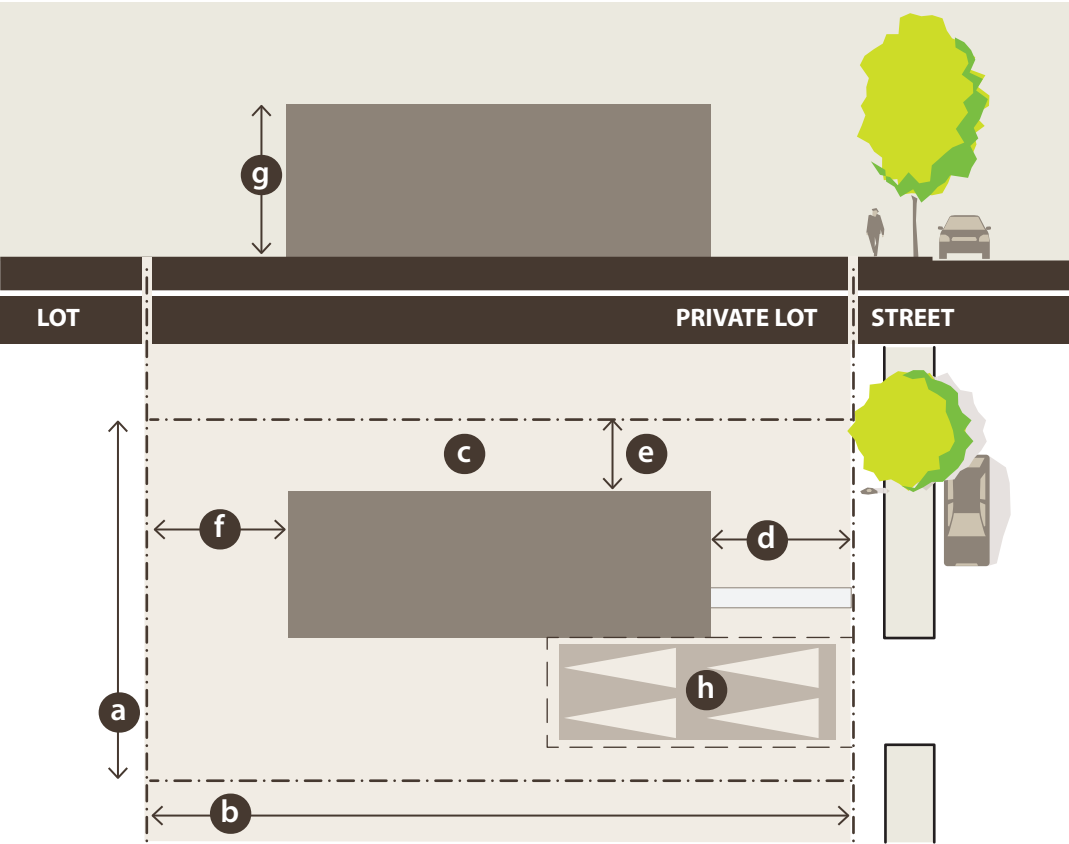
¹ Must meet all requirements of Universal Design Standards: Front Yard (Type2) Urban Type

² Per McMinnville Municipal Code Section 17.54.050.

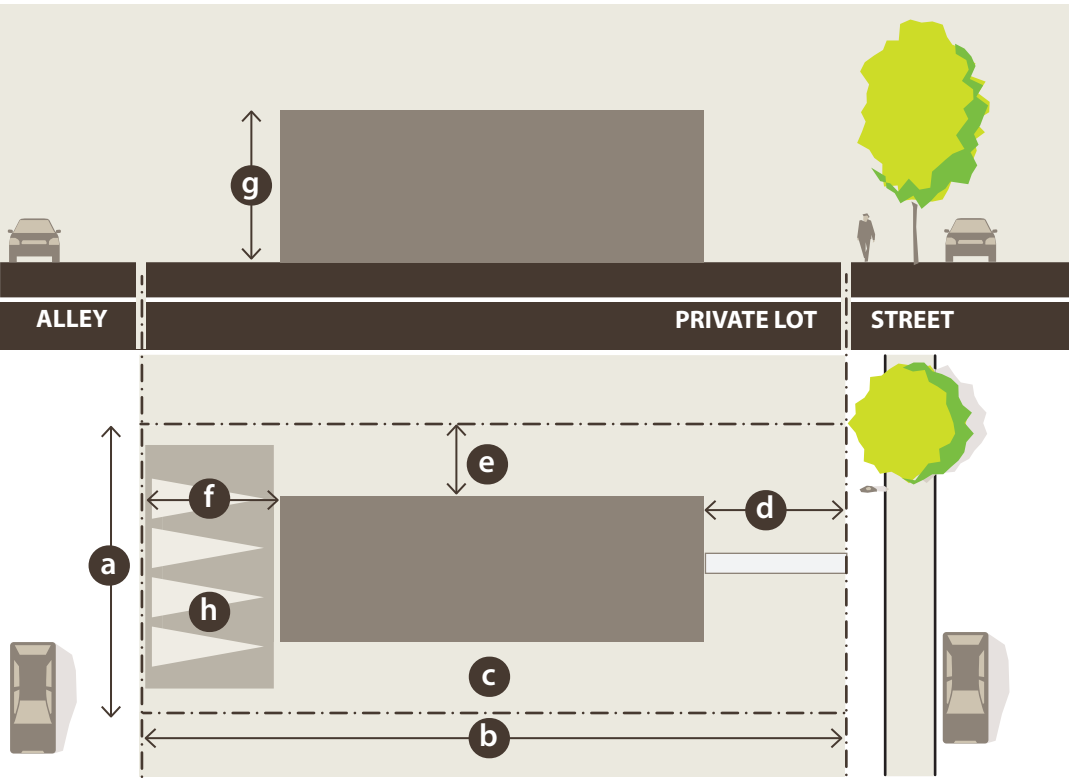
³ Must meet all requirements of Usable Side Yard Subdivision standards.

³ From alley property or easement line.

Plex without Alley



Plex with Alley



Single Dwelling

Concept

Single dwellings are one home on a single lot, separated from adjacent dwellings by private open space in the form of side yards and backyards, and often set back from the public street with a front yard. Single dwelling standards apply to units that are larger than 400 square feet.

Single dwellings are the most common housing type in McMinnville today.

Guiding Principle

Avoid cookie-cutter appearance across multiple single dwellings in the same neighborhood by creating variety of color, form, and façade details.

Space driveways to allow for street trees and on-street parking.

Garages facing the front should be recessed to reduce their prominence on the front façade.



Single dwellings with similar porch elements provide consistency to the public realm, while still offering opportunity for variety in details.



Lots of varying widths face an open pedestrian walkway.

Single Dwelling



Traditional-style single dwelling with porch, front setback, and street trees.



Narrow lot homes face a shared green space.

Single Dwelling Development Standards

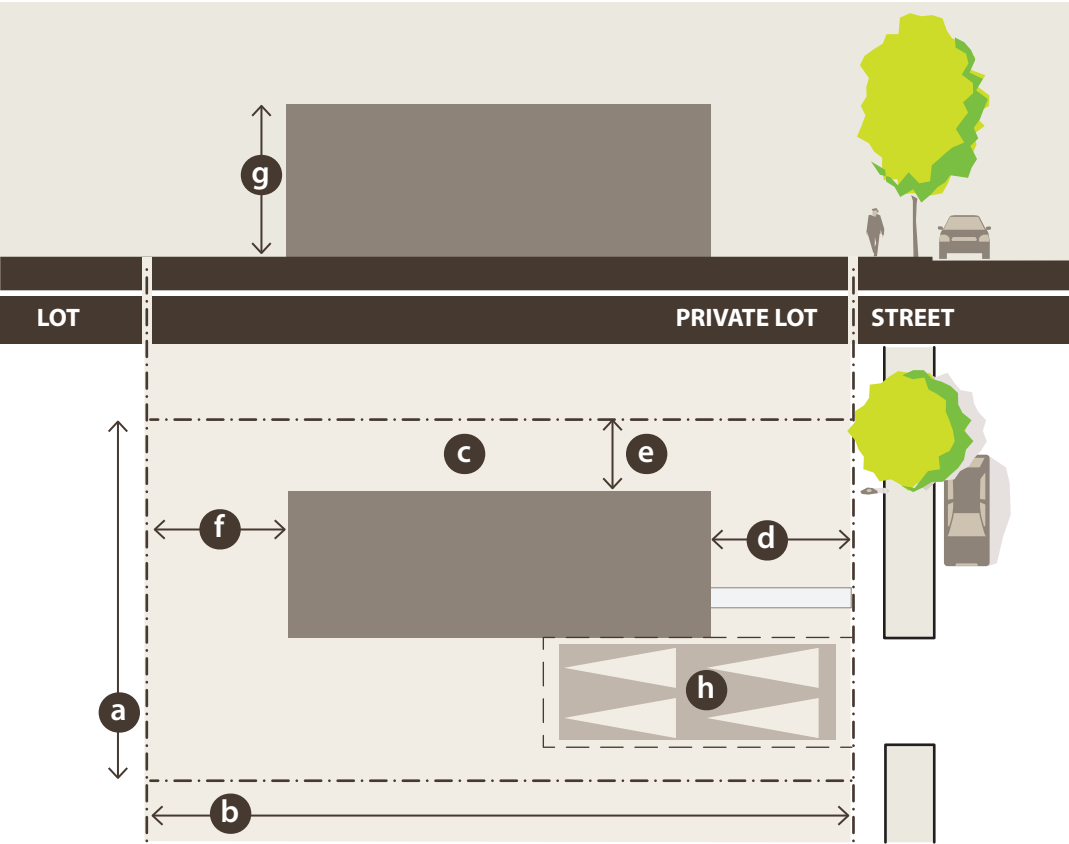
SINGLE DWELLING DEVELOPMENT STANDARDS			
	WITH ALLEY	WITHOUT ALLEY	INFILL
a Lot width (feet)	Min. 35	Min. 45	Match existing zone, subdivision, or Planned Development overlay district.
b Lot depth (feet)	Min. 65	Min. 65	
c Lot size (square feet)	Min. 2,300	Min. 3,000	
d Front setback (feet)	Min. 15	Min. 15	Match existing ¹
e Side setback (feet)	Interior: Min. 3 ² or 7.5 Exterior: 10	Interior: Min. 3 ³ or 7.5 Exterior: 10	Interior: Min. 7.5 Exterior: Min. 15
f Rear setback (feet)	0 with garage, 20 without garage. ¹	Min. 20	Min. 20
g Building height (feet)	Max. 35	Max. 35	Max. 35
h Parking Zone	<p>For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage.</p> <p>For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback is specified in Parking Development and Design Standards, Garage Setback.</p>		
Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
Off-street Parking	See McMinnville Municipal Code Chapter 17.60		
Universal Design Standards and Subdivision Standards that apply	<p>Street frontage</p> <p>Front yard</p> <p>Alleys</p> <p>Private open space</p> <p>Compatibility</p> <p>Façade</p> <p>Parking</p> <p>Subdivision Standards: Usable Side Yard, Through Block, and Corner Common Greens</p>		

¹ Per McMinnville Municipal Code Section 17.54.050.

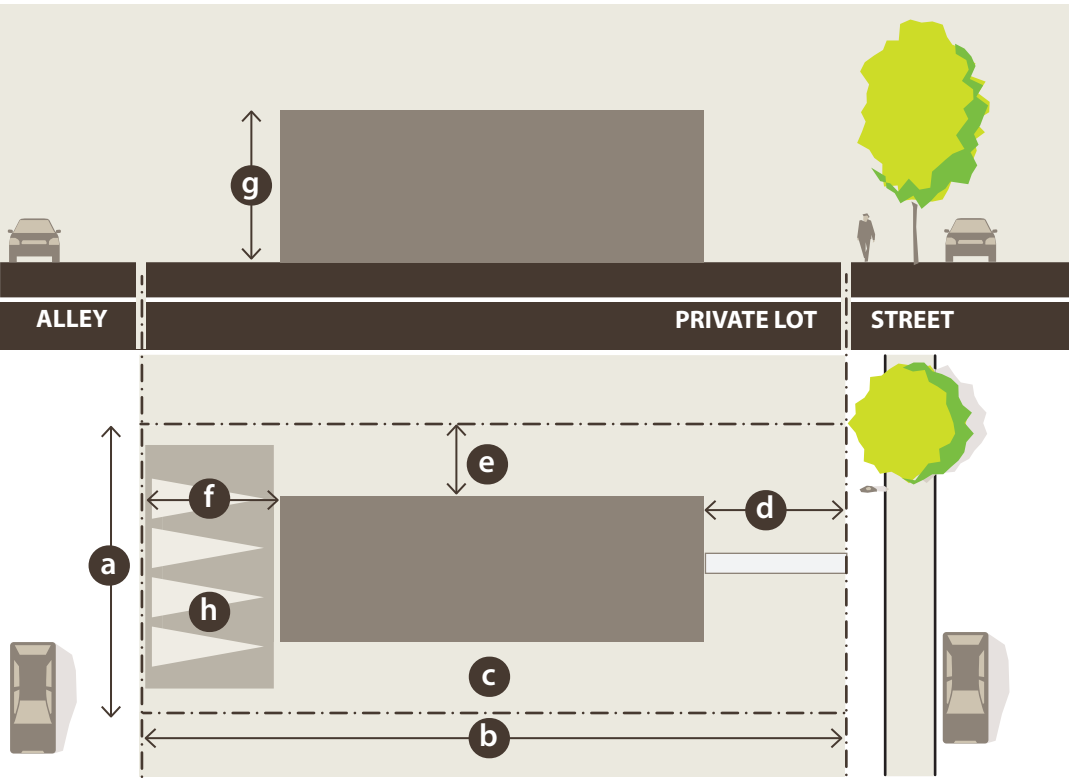
² Must meet all requirements of Usable Side Yard Subdivision standards.

³ From alley property or easement line.

Detached Single Dwelling without Alley



Detached Single Dwelling with Alley



Townhouse

Concept

Townhouses are attached units with common wall construction, each on a separate lot, and each with its own entry from a public or shared street or common area. Townhouse variation includes live/work units, typically with the “work” portion on the ground floor.

Townhouses can be compatible in single dwelling neighborhoods, commercial centers and along corridors.

Guiding Principle

When fitting into existing single dwelling neighborhoods, group townhouses in smaller clusters, so that they are a compatible scale with surrounding development.

Design townhouses with a shared roof form, rather than a sawtooth shape with each unit having its own roof ridge. A shared roof form is more compatible with existing single dwelling neighborhoods.

Provide alley-accessed parking, when possible, to minimize driveways and preserve the tree-lined street frontage.

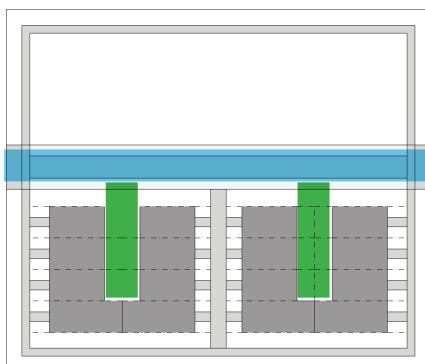
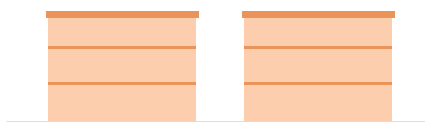
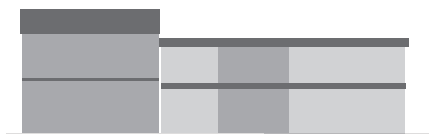


Townhouses fronting a shared green space.



Townhouses with a smaller front setback in a more urban context.

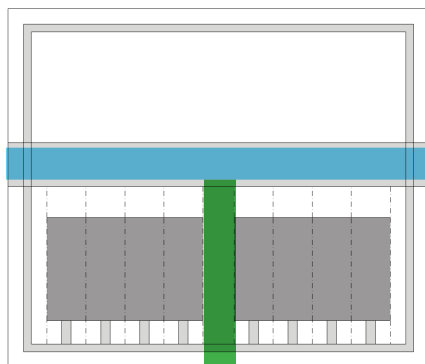
Large Townhouse



Large Townhouse

- » Arrangement suitable for new neighborhoods, along corridors and in the Downtown Design Guidelines Area.
- » Maximum number of adjoining units: 8

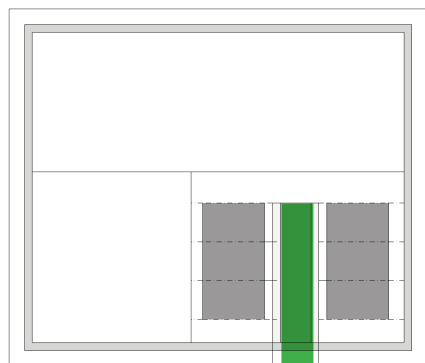
Medium Townhouse



Medium Townhouse

- » Arrangement suitable for new neighborhoods, along corridors and in the Downtown Design Guidelines Area.
- » Maximum number of adjoining units: 4

Small Townhouse



Small Townhouse

- » Arrangement suitable for new neighborhoods, along corridors and in the Downtown Design Guidelines Area. Also permitted within selected neighborhoods as an infill housing type.
- » Maximum number of adjoining units: 4

Alley type permitted (see Universal Standards Alleys): ■ Type 1 ■ Type 1 or 2

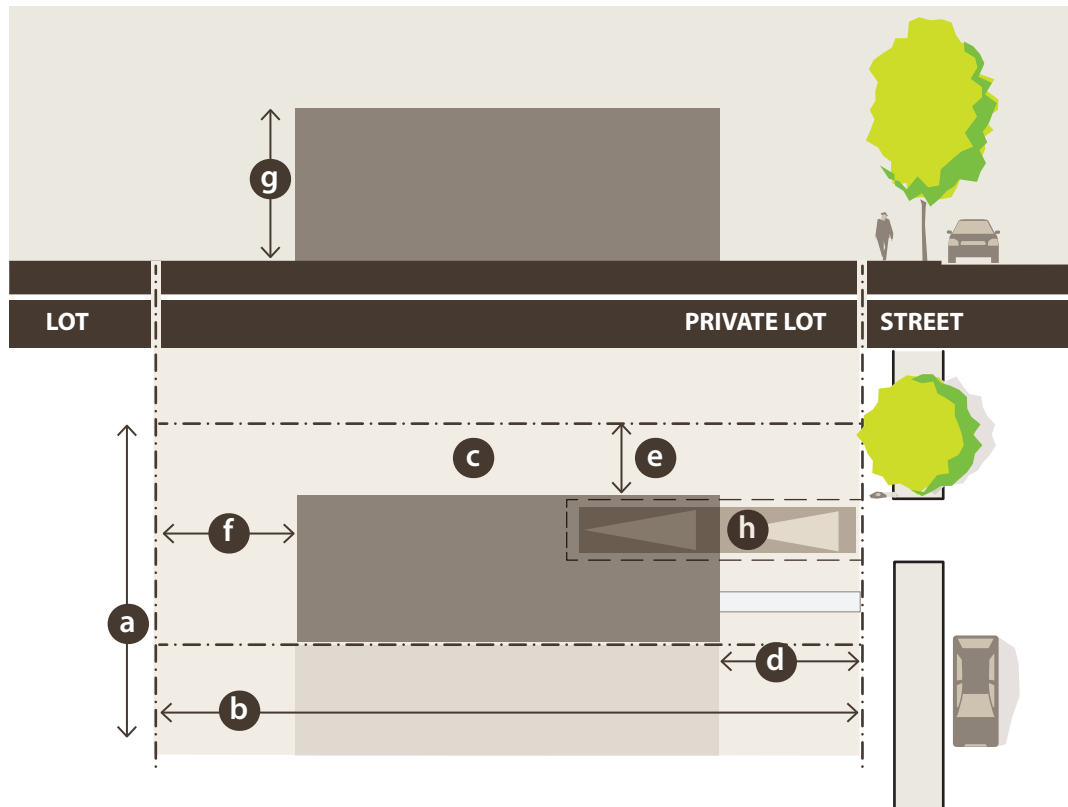
Townhouse Development Standards

TOWNHOUSE DEVELOPMENT STANDARDS			
	WITH ALLEY	WITHOUT ALLEY	INFILL
a Lot width (feet)	Min. 20	Min. 22	Match existing zone, subdivision, or Planned Development overlay district.
b Lot depth (feet)	Min. 60	Min. 60	
c Lot size (square feet)	Min. 1,200	Min. 1,400	
d Front setback (feet)	Min. 15	Min. 15	Match existing ¹
e Side setback (feet) ²	Interior: Min. 0 or 7.5 Exterior: Min. 10	Interior: Min. 0 or 7.5 Exterior: Min. 10	Interior: Min. 0 or 7.5 Exterior: Min. 15
f Rear setback (feet)	0 with garage, 20 without garage.	Min. 20	Min. 20
g Building height (feet)	Max. 35	Max. 35	Max. 35
h Parking Zone	<p>For lots with an alley: Parking is required to be located adjacent to the alley. Parking is permitted to be located on the surface or in a garage.</p> <p>For lots without an alley: Parking is permitted to be located on the surface or in a garage. The front setback for garages is specified in Parking, Driveway, and Design Standards, Garage Setback.</p>		
Driveways	Driveway spacing and width requirements are specified in Street Frontage, Frontage Types.		
Off-street Parking	See McMinnville Municipal Code Chapter 17.60		
Number of adjoining units and arrangement	Max. 8	Max. 4	Max. 3
Shared Roof Form	Required	Required	Required
Universal Design Standards and Subdivision Standards that apply	<p>Street frontage</p> <p>Front yard</p> <p>Alleys</p> <p>Private open space</p> <p>Compatibility</p> <p>Façade</p> <p>Parking</p> <p>Subdivision Standards: Through Block, and Corner Common Greens</p>		

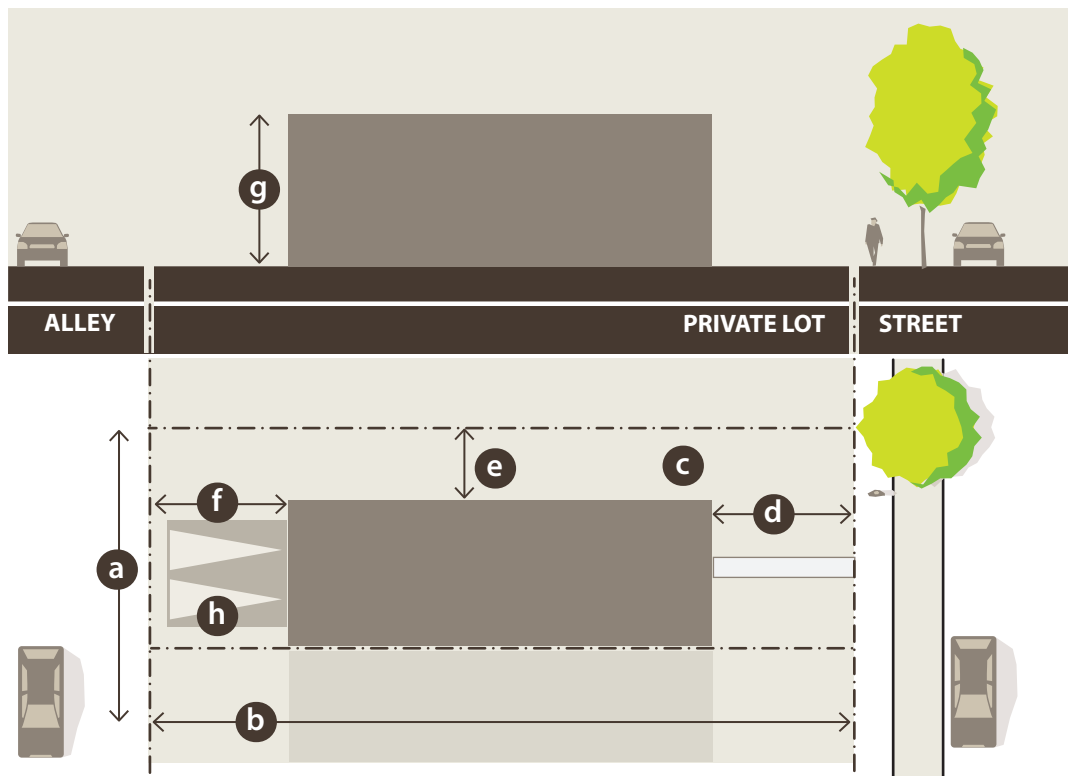
¹ Per McMinnville Municipal Code Section 17.54.050

² Interior side setback of 7.5 feet and exterior setbacks only apply to end units

Townhouse without Alley



Townhouse with Alley



Accessory Dwelling Unit (ADU)

Concept

An ADU is a secondary, self-contained single-family dwelling that may be allowed only in conjunction with a detached single-family dwelling. An accessory dwelling unit is subordinate in size, location, and appearance to the primary detached single-family dwelling. An accessory dwelling unit generally has its own outside entrance and always has a separate kitchen, bathroom and sleeping area. An accessory dwelling may be located within, attached to or detached from the primary single-family dwelling.

An ADU may be located within, attached to or detached from the primary dwelling.



A corner lot permits each home to have a different street frontage.

Fundamental Requirements

Accessory dwelling unit (ADU) subject to the following standards:

1. The accessory dwelling unit may be established by:
 - b. Conversion of an attic, basement, or garage or any other portion of the primary dwelling;
 - c. Adding floor area to the primary dwelling, including a second story;
 - d. Construction of a detached accessory dwelling unit on a lot with a primary single-family dwelling; or
 - e. Construction of a new primary dwelling with the existing dwelling being designated the ADU and found in compliance with all requirements of this Section.
2. The square footage of the accessory dwelling shall not exceed 50 percent of the primary dwelling exclusive of the garage, or 1,000 square feet, whichever is less. The minimum area shall be as determined by the State of Oregon Building Codes Division.
3. The building coverage of a detached ADU may not be larger than the building coverage of the primary dwelling.
4. The accessory dwelling shall meet all applicable standards for this zone including, but not limited to, setbacks, height, and building codes in effect at the time of construction. The maximum height allowed for a detached ADU is the lesser of 25 feet or the height of the primary dwelling.
5. The structure's appearance, including siding, roofing, materials, and color shall coincide with that used on the primary dwelling unit, including roof pitch, eaves, window fenestration patterns, etc.
6. Not more than one accessory dwelling unit shall be allowed per lot or parcel.
7. The accessory dwelling unit shall contain a kitchen, bathroom, living, and sleeping area that completely independent from the primary dwelling.
8. Manufactured homes, recreational vehicles, motor vehicles, travel trailers and all other forms of towable or manufactured structures, not to include modular structures, shall not be used as an accessory dwelling unit.
9. ADUs are exempt from the residential density standards of this code.
10. Occupancy and use standards for an ADU shall be the same as those applicable to a primary dwelling on the same site.
11. That a legally non-conforming accessory structure located on residentially zoned land may be converted to an accessory dwelling unit in accordance with the requirements of Chapter 17.63 (Nonconforming Uses).

Accessory Dwelling Unit (ADU)



ADU accessible from the driveway of main home. Photo credit: Shelter Solutions.



2nd story ADU above multi-car garage.



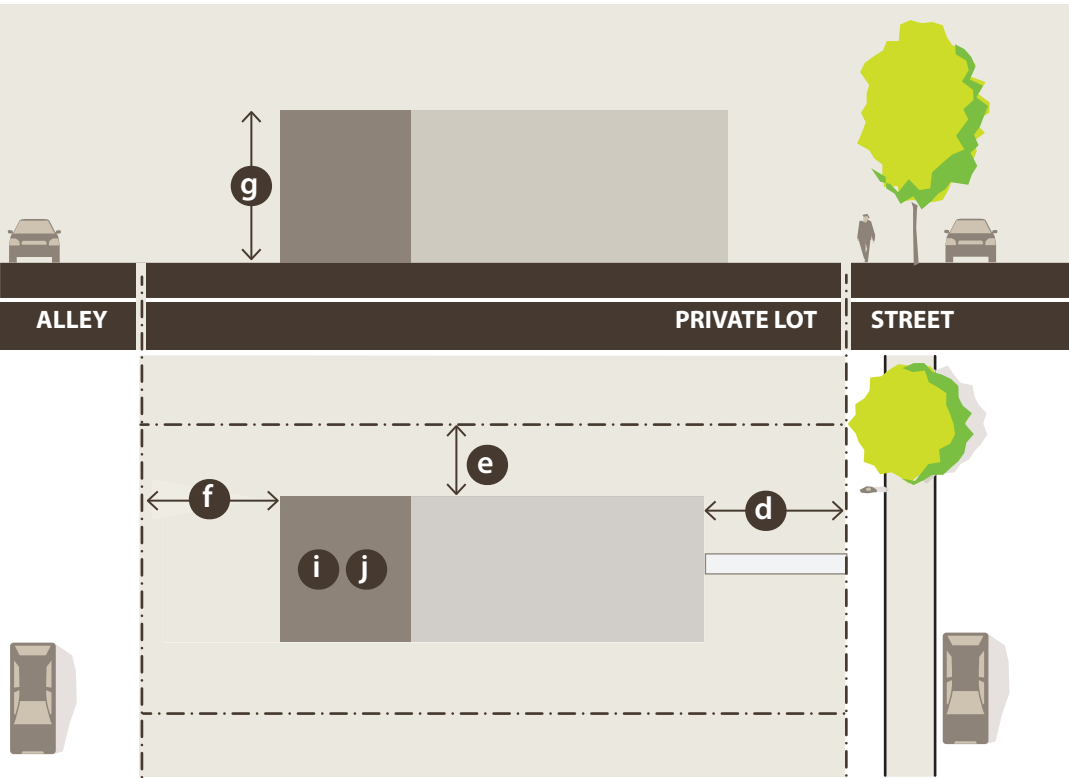
ADU Development Standards

ACCESSORY DWELLING UNITS DEVELOPMENT STANDARDS

ADU	
Lot width (feet)	NA
Lot depth (feet)	NA
Lot size (square feet)	NA
d Front setback (feet)	Match existing zone, subdivision, or Planned Development overlay district.
e Side setback (feet)	Match existing zone, subdivision, or Planned Development overlay district.
f Rear setback (feet)	Match existing zone, subdivision, or Planned Development overlay district.
g Building height (feet)	Height of primary building or 25 feet, whichever is less. ¹
i Building size	Not more than 50% of main dwelling or not more than 1,000 sf (whichever is smaller).
j Lot coverage	Not larger than the coverage of the primary dwelling.
Universal Design Standards and Subdivision Standards that apply	Universal Design Standards that apply to the main dwelling apply to the accessory dwelling unit. Refer to Universal Design Standards Summary Table for applicable standards.

¹ Applicable to detached ADUs.

Accessory Dwelling Units



Apartment Types

Apartment Block

Description

Stacked flats in a single building or groups of buildings on a single lot. Parking is shared, and entrance to units is typically accessed through a shared lobby.

Appropriate context

Apartments vary widely in size and design but typically have large footprints and fit in well to the edges of single dwelling neighborhoods and on major streets.

Also named

Flats, multifamily, apartments

Variations

Flats, lofts, two-level flats, split-level flats, through-building flats.

Typical household

Depending on square footage, all types of households, from adults with children to single adult householder.

Lot sizes

Vary widely, from 7,200 to 320,000 square feet

Density range

10-200 units per acre

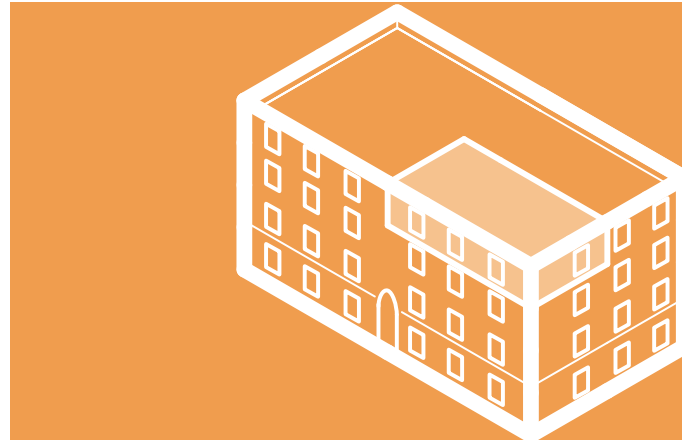
Note: Density may exceed maximum density allowed in McMinnville zoning districts.

Building height

2-5 stories, if adjacent to or within a single dwelling neighborhood context. Can be much taller in central city areas.

Construction type and building code issues

Type V frame construction for buildings under 5 stories. Type V frame construction over Type I, for 6 or 8 stories, or Type I for taller buildings. Sprinklers for fire suppression are required. Elevators needed if over 3 stories.



Greenery and a setback from the sidewalk provide ground floor units with privacy.

Apartment Types

Walk-up Apartment

Description

Buildings are limited to three stories, and consist of about four to 12 units each, accessible from a single open air stair. Dwelling units are typically constructed in Type V frame construction with fire sprinklers. Individual apartment buildings are arranged around common open space and shared parking areas.

Appropriate context

Walk-up apartments are appropriate adjacent to or within a single dwelling neighborhood context depending on site design, orientation to the street, location of parking, and the massing and scale of buildings.

Also named

Woody walk-ups, single stair walk-ups.

Variations

May have an internal stair. Generally, in this case, the maximum number of units per floor are four. They can be designed with front and back windows for cross ventilation. Buildings can be separated to offer access to light and air on three sides.

Typical household

Small units are ideal for small households—single adults or adult and child. They offer an alternative to apartment flats in a building with a lobby and internal double-loaded corridor.

Lot sizes

Vary widely, from 10,000 to 250,000 square feet

Density range

15 - 30 units per acre

Building height

Usually 3 stories; can be 2 stories.

Construction type and building code issues

Typically Type V frame construction. Sprinklers for fire suppression are required.



Walk-up apartments with private open space balconies.

Apartment Types

Courtyard Apartment

Description

Attached housing units arranged around a courtyard, each with its own entry or other access off of the courtyard.

Appropriate context

Courtyard apartments have large footprints and therefore fit in well to the edges of single dwelling neighborhoods and on major streets. They can be designed to be low in profile and to fit seamlessly into most detached single dwelling neighborhoods. Like cottage clusters, they lend themselves to sensitive sites where preserving trees and open space is a priority.

Also named

Garden apartments

Variations

Stacked (like townhouses) and oriented to a courtyard or open space; single level and oriented to a courtyard; bar-shaped or L-shaped instead of C-shaped; with separate garages off of an alley or tucked under the development.

Typical household

Small units are ideal for small households—single adults or adult and child. They offer an alternative to apartment flats, with access to the outdoors via a front (and sometimes a back) door.

Lot sizes

Vary widely, from 10,000 to 80,000 square feet

Density range

10-75 units per acre

Note: Density may exceed maximum density allowed in McMinnville zoning districts.

Building height

2-3 stories; can be up to four if construction type and building code issues are addressed, see below.

Construction type and building code issues

Typically Type V frame construction. Sprinklers for fire suppression are required if not common wall construction. Elevators needed if over 3 stories, or units can be stacked, see variations.



Historic 2-story courtyard apartment complex with a shared garden.

Apartment

Apartment Types Spectrum from Most Dense to Least Dense



Apartment Block

Density Range:

Context: City center



Medium Apartment Block

Density Range:

Context: City center and along major streets served by transit



Small Apartment Block

Density Range:

Context: At the edges of low and medium density residential neighborhoods



Single Walk-up

Density Range:

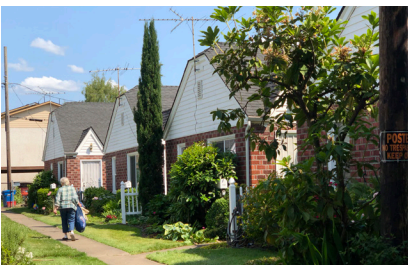
Context: At the edges of low density residential neighborhoods and along major streets



2-3 Story Courtyard

Density Range:

Context: City center, low and mid-density residential neighborhoods



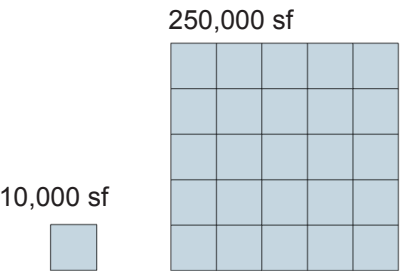
Single Story Courtyard

Density Range:

Context: May be integrated into low density residential neighborhoods

Apartment

Site sizes



Site Sizes

Single walk-ups, block apartments, and many courtyard apartments can fit on a 100 x 100 foot lot. Bigger developments with multiple walk-up buildings may be as large as 250,000 square feet, or 500 x 500 foot lots.

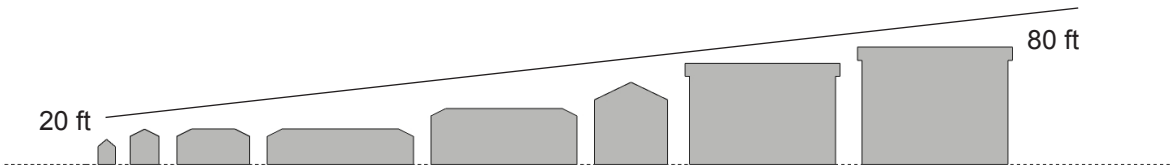
Height Range

Apartment heights vary depending on the type and the location.

Density Ranges

Apartment densities vary depending on building type and site design layout.

Height range



Single story courtyard apartment



2-story courtyard apartment



4-story apartment block

Apartment

Apartment Design Standards

Pedestrian permeability and block structure

Applicability

- » Site size: Sites over 10,000 square feet
- » Housing Types: All apartment types
- » Zones: [to be determined]

All applicable developments must meet the fundamental requirement. In addition, applicable developments must meet all of the required design elements.

Fundamental Requirement

Requirement	Standard	Limitations and Qualifications
Required through connection	200 feet minimum	<ul style="list-style-type: none">» Shall be provided for bicyclists and pedestrians between two streets or two lots. It may be a sidewalk that is part of a street that also provides vehicle access, or it may be a self-contained street created solely for pedestrians and bicyclists.» Spacing requirement: No further than 200 feet apart, on center.» May be co-located with a common green.



Pedestrian through-connections provide opportunities to preserve and highlight heritage trees and other natural features.

Required Design Elements

- ☐ Mirror the scale of blocks and the block-like structure of surrounding neighborhood.
- ☐ Connect the internal network of streets and paths to those of the surrounding area where possible.
- ☐ Configure apartments, parking areas, and common open space in clusters that mirror the scale of blocks of the surrounding neighborhood, or are no more than 10,000 square feet in area per cluster. Residential units must be oriented to a common open space, including a common green, a plaza, or a pocket park.
- ☐ Orient all buildings around a shared open space that meets the requirements of a Common Open Space.
- ☐ Align buildings to surrounding streets.
- ☐ Connect to surrounding neighborhoods, schools, parks, and other neighborhood destinations.

Ground floor units

All ground floor dwelling units, regardless of whether they face a public street or an internal area, must meet the requirements of Universal Design Standards: Front Yards.

Parking

All parking areas must meet the requirements of Universal Design Standards: Parking.

Common Open Space

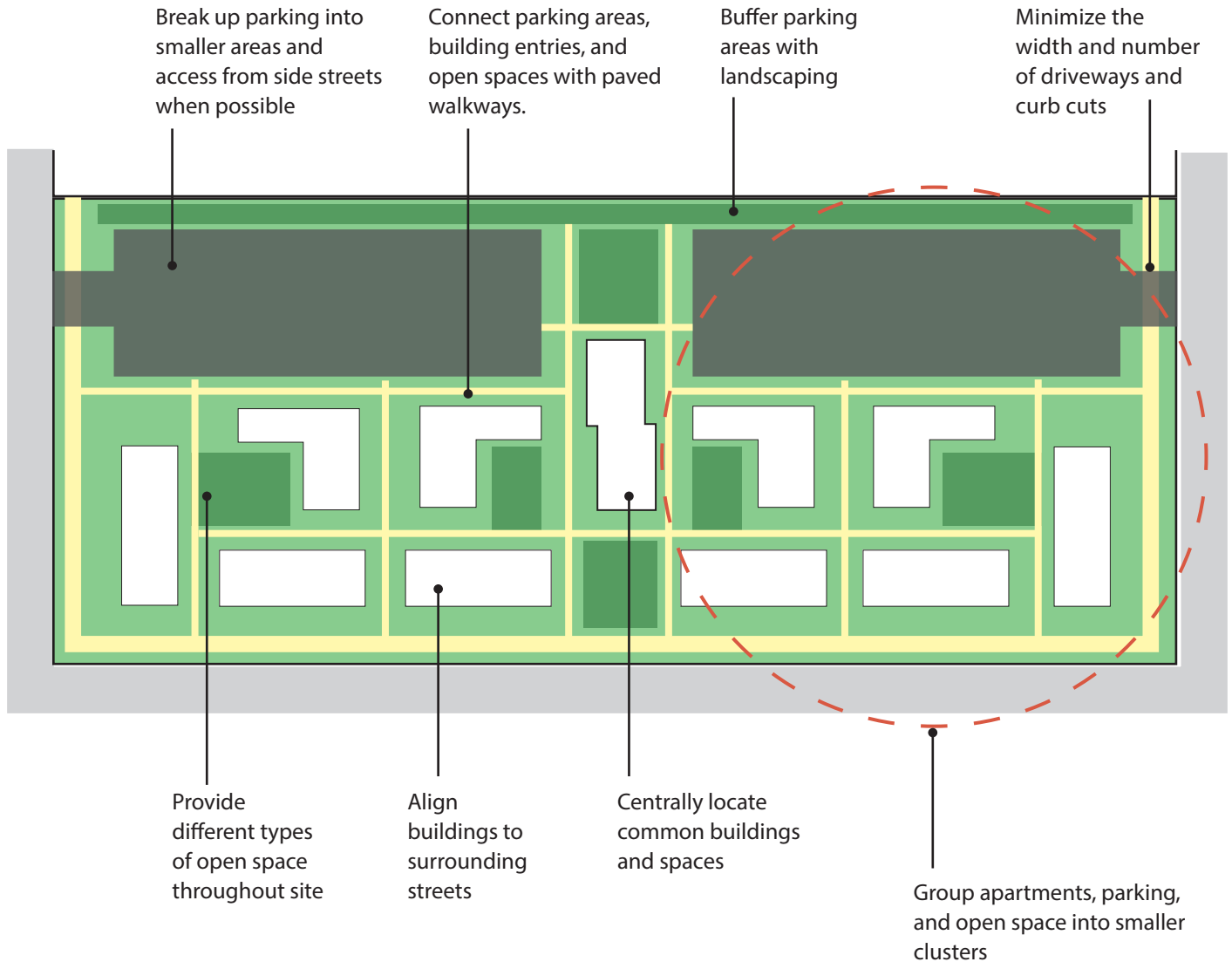
Common open space areas must meet the requirements of Universal Design Standards: Common Open Space

Dwelling units

All dwelling units that are not subject to Front Yard standards must meet Universal Design Standards: Private Open Space.

Apartment

Large Site Layouts



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Part 2

Universal Design Standards

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64	Private Open Space
66	Compatibility
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Introduction to Universal Design Standards

The universal design standards are standards that apply to all or most housing types. These standards are related to site design and provide information about how buildings face the street, handle parking, are compatible with neighboring homes, and must meet specific open space or private space requirements.

Universal Design Standards Summary Table

Universal design standards apply to each housing type marked with an "X", except where indicated as optional.

	Tiny House	Cottage Cluster	Plex	Single Dwelling	Town-house	ADU	Apartment
Façade	X	X	X	X	X	X	X
Street Frontage	X	X	X	X	X	X	X
Front Yard	X	X	X	X	X	X	X
Alleys	X	X	X	X	X	X	X
Parking	X	X	X	X	X		X
Common OS							X
Private OS							X
Compatibility	X	X	X	X	X	X	X
Partial alley (optional)	X	X	X	X	X	X	X
Usable Site Yard Setback (optional)	X		X	X		X	X
Common Green (optional)	X	X	X	X	X	X	X

Façade

Concept

The façade faces the street, or common greens, courtyards, or other common open spaces. It should be inviting with entry structures, such as porches, front doors and windows and other human-scaled elements. When dwellings have car access from the street, paved areas and garages should not dominate.

Welcoming façades contribute to the overall character of the neighborhood, promoting a safe walkable and bikeable place.

Guiding Principles

- » Garages that do not dominate. Entrances should be more prominent than garages.
- » Pair garages where possible to maximize planting strip and potential for street trees.
- » Entrances and windows that face the street, avoid blank walls. Emphasize private, ground level entries to individual units when appropriate to the housing type, such as townhouses and plexes.
- » Building elements (lighting, repeating projects, bay windows, etc.) and private open space projections (balconies, porches, terraces, etc.) provide functional living space for residents and break up large façades.

Design Standards

- » Windows and/or doors utilizing clear glass, excluding garage doors, shall occupy a minimum of 25 percent of the total street-facing façade.
- » Except for dwellings on the flag portion of flag lots, the primary entrance shall be oriented toward the street which the dwelling faces.
- » At least one primary entrance for each structure must either:
 - » Open directly onto the street right-of-way.
 - » Be at an angle of up to 45 degrees from the street.
 - » Open on to a porch. The porch must be at least 25 square feet in area and have one entrance facing the street or have a roof.
 - » Face a central courtyard space or common open space that is adjacent to the street and abutted by dwellings on at least two sides.
 - » Where a building is on a corner lot and fronts on two abutting streets, a dwelling unit on the corner of the building need be oriented to only one of the streets.

Principle 8 - Human Scale Design.

Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.

Principle 12 - Housing Variety.

Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.



Garage does not dominate and is recessed behind the entrance.

Street Frontage

Concept

A common characteristic of McMinnville's older residential neighborhoods is a green leafy street edge that is created by street trees, and the planted strip between the sidewalk and the curb. When trees are given enough room for their roots to mature successfully, their branches shade the sidewalk and may even form a canopy over the street. Minimizing driveway curb cuts maximizes the value of the plant strip. Uninterrupted curb space also provides safer pedestrian environment and room for parking on the street.

Minimizing driveway curb cuts maximizes the value of the plant strip. Uninterrupted curb space also provides safer pedestrian environment and room for parking on the street.

There are several best practices that can maximize the amount of uninterrupted street tree planting strip:

- » Provide parking space at the rear of the lot via an alley.
- » Space street facing driveways far enough apart for street trees to be planted at frequent intervals.
- » Pair street facing driveways to create more space for trees
- » Coordinating the spacing of street trees with the spacing of utilities access across the plant strip

Guiding Principle

Even while introducing a variety of housing types and lot sizes (and widths), maintain the maximum amount of uninterrupted and generous plant strip for street trees. Promote a healthy canopy of street trees in McMinnville's residential neighborhoods.

Principle 4 - Pedestrian Friendly.

Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

Principle 7 - Accessibility.

To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.



McMinnville neighborhood with planter strip and on street parking.

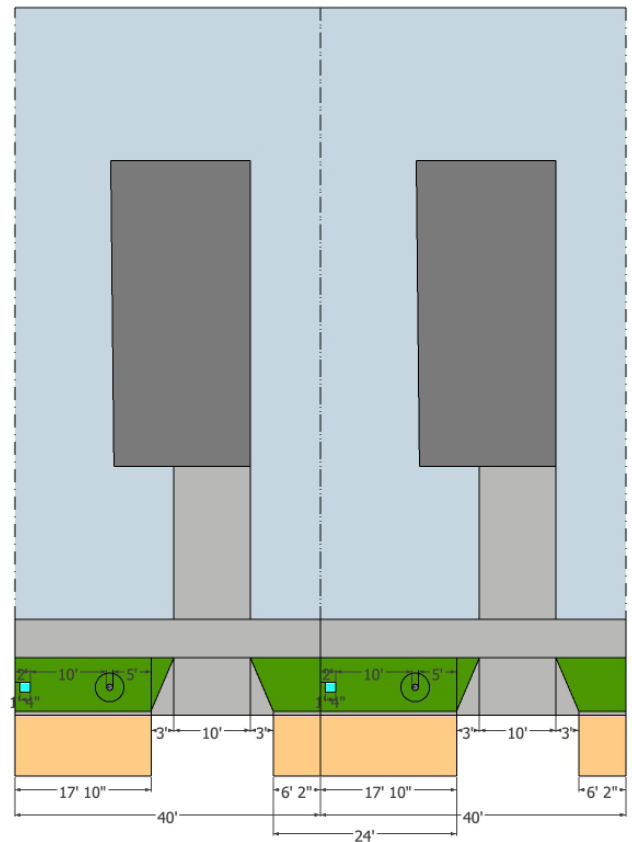
Street Frontage



Desirable: There is room for a continuous planter strip with ample street trees when parking is accessed from an alley.



Undesirable: Driveway spacing does not provide enough space for a street tree or on-street parking.



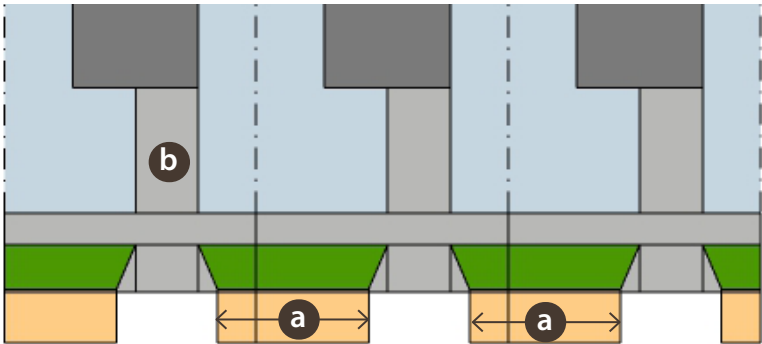
Example diagram of 40-foot adjacent lots with single driveways that meets the 24-foot driveway spacing requirement.

Street Frontage

Design Standards

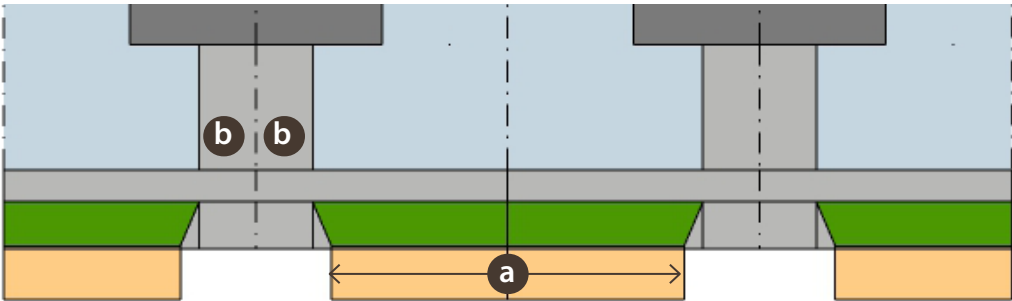
- » Dwelling units with alley access must provide access off the alley to attached garages located behind the dwelling.
- » Must choose from the following Frontage Types:
 - » Frontage Type 1: Front-Loaded Parking
 - » Frontage Type 2: Front-Loaded Parking with Paired Driveways
 - » Frontage Type 3: Alley-Loaded Parking

Frontage Type 1: Front-Loaded Parking



Frontage Type 1: Front-Loaded Parking		
a	Minimum distance between driveways	24 feet
b	Maximum driveway width	40 percent of frontage

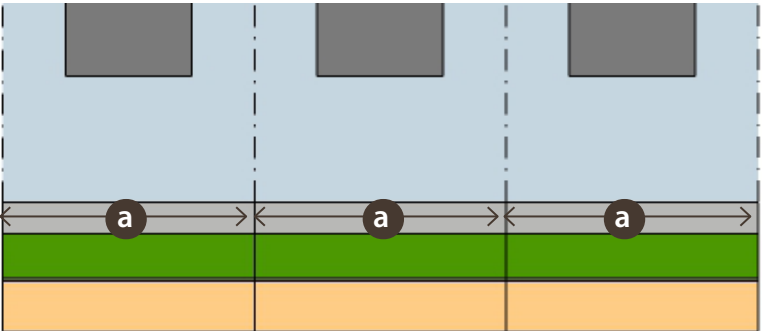
Frontage Type 2: Front-Loaded Parking with Paired Driveways



Frontage Type 2: Front-Loaded Paired Parking		
a	Minimum distance between driveways	30 feet
b	Maximum driveway width	20 feet*

* Excludes the driveway approach width

Frontage Type 3: Alley-Loaded Parking



Frontage Type 3: Alley-Loaded Parking		
a	Minimum street frontage width	Refer to development standards by housing type

Front Yard

Concept

The front setback provides a vital transition between the public area of the street and the private spaces within the dwelling. The smaller the front setback is, the more important the concept of layering public to private spaces becomes.

A typical three-part approach to layering is a low fence at the back of the sidewalk, a landscaped or paved dooryard, and before the entrance to the dwelling—a porch, a stoop, or a terrace. For very small front setbacks, vertical distance can make up for the lack of horizontal separation.

Guiding Principle

For all housing types the front setback—even when it is small or zero, should be designed to provide a transition from the public realm of the street to the private realm of the dwelling.

Design Standards

- » Must choose from the following Front Yard Types:
 - » Front Yard Type 1: Neighborhood
 - » Front Yard Type 2: Urban

Principle 4 - Pedestrian Friendly.

Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

Principle 8 - Human Scale Design.

Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.



Porches set back from the sidewalk are an inviting semi-private space.

Front Yard



Landscaping, trees, and partially-open wall provide a transition with layers of privacy from the sidewalk edge to the apartment building.

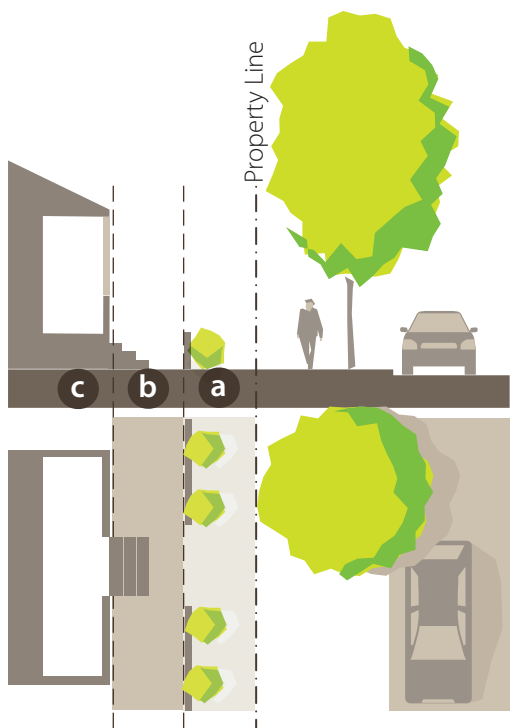


Open porches are set back to a depth that provides usable space for residents.



In a more urban context where entrances to residences could be close to the sidewalk, a partially open fence and landscaping creates layers of private to public space.

Front Yard



Front Yard Type 1 is a traditional front yard where horizontal and vertical separation provide privacy and achieve the 3-zone transition from the back of the sidewalk to the front door.

Type 1 Front Yard (Neighborhood Type)			
Zone	Requirement	Intent and purpose	Ways to meet the requirement
a	Gateway	<p>Marks the threshold between the public zone of the sidewalk and the private dwelling zone.</p> <p>May provide a location for address identification.</p>	<p>Must provide one of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Low fence <input type="checkbox"/> Low planting—shrubs, grasses
b	Front Yard, Forecourt or Dooryard	<p>Provides habitable and personalize-able outdoor space for the resident.</p>	<p>Fundamental requirements:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A minimum of 5-feet distance between inside edge of Gateway and edge of Porch-Stoop-Terrace <input type="checkbox"/> A paved walkway between sidewalk and entrance, which may be combined with a driveway <p>Must provide one of the following or a combination:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Pedestrian-oriented hardscaped outdoor space <input type="checkbox"/> Lawn or planted area <input type="checkbox"/> Alternative option that meets the intent and purpose
c	Porch, Stoop or Terrace	<p>Provides an outdoor living area that is physically and visually connected to the public realm of the street. Provides opportunities for community interaction. May provide a location for address identification.</p>	<p>Fundamental requirements: The porch, stoop, or terrace must be at least 36 square feet in area and have minimum dimensions of 6 feet by 6 feet; and the porch must have a solid roof. In addition, must provide one of the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Ornamental fencing or balustrade <input type="checkbox"/> Columns demarcating perimeter or supporting the roof

Front Yard



Gateway zone is created by projecting bays on either side of the entry, while a balcony above provides rain protection on the ground level.



Type 2 Front Yard (Urban Type)

Zone	Requirement	Intent and purpose	Ways to meet the requirement
a	Gateway	Marks the threshold between the public zone of the sidewalk and the private dwelling zone. May provide a location for address identification.	Must provide one of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Low wall <input type="checkbox"/> Change in paving material <input type="checkbox"/> Low fence <input type="checkbox"/> Low planting—shrubs, grasses
b	Front Yard, Forecourt or Dooryard	At a minimum, provides a transitional zone between the domestic realm of the dwelling and the public realm of the street. If larger, it provides a habitable and personalize-able outdoor space for the resident.	Fundamental requirements: Minimum of ten feet in depth.* Must provide one of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Ornamental fencing or balustrade <input type="checkbox"/> Columns demarcating perimeter or supporting the roof <input type="checkbox"/> Planted area <input type="checkbox"/> Wood decking
c	Porch, Stoop or Terrace	At a minimum, provides an outdoor entry vestibule. If larger, it provides an outdoor living area that is physically and visually connected to the public realm of the street. Provides opportunities for community interaction. May provide a location for address identification.	Fundamental requirements: Minimum of ten feet in depth.* Must provide one of the following: <ul style="list-style-type: none"> <input type="checkbox"/> Ornamental fencing or balustrade <input type="checkbox"/> Columns demarcating perimeter or supporting the roof <input type="checkbox"/> Recessed area <input type="checkbox"/> Overhanging balcony <input type="checkbox"/> Canopy

*Items b and c may be combined into a single ten foot depth, provided the intent and purpose of each one is met.

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Alleys

Concept

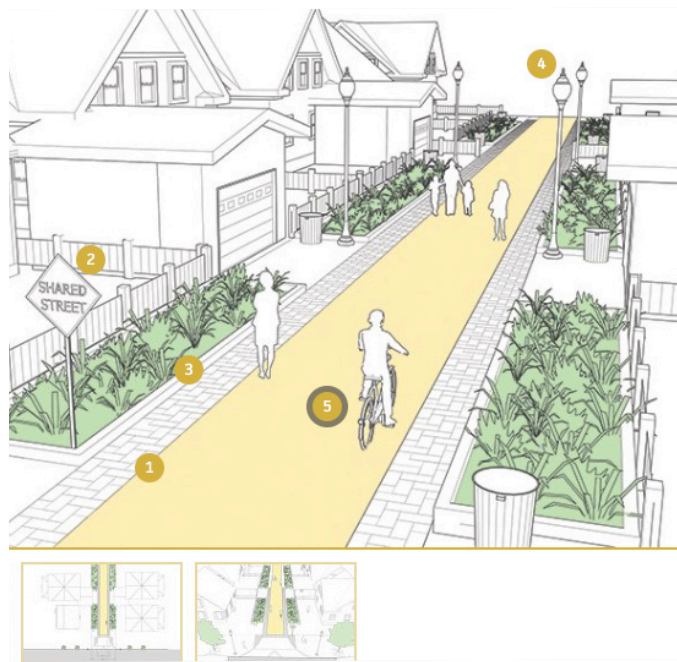
Alleys are critical in limiting the number of driveways accessing lots from the street edge. They also allow for housing types, especially those that occupy narrow lots, such as townhouses or tiny houses, to sit alongside more conventional lot widths.

The design, paving, maintenance, and lighting of alleys is important to ensure they function properly and are safe and attractive.

Alleys vary in width and can be public right of way or private easement. Visually narrowing the perceived width of alleys through landscaping, paving, and placement of garages or Accessory Dwelling Units ensures that they are not used for traffic. If well designed, they can be part of a total pedestrian pathway system through the neighborhood.

Guiding Principle

Provide alleys wherever possible, especially in new subdivisions. In existing neighborhoods, partial alleys can be provided.



Showing an alley with a 28-foot right of way width and a 14-foot travel way (NACTO)

Principle 4 - Pedestrian Friendly.

Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

Principle 11 - Housing for Diverse Incomes and Generations.

A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

Principle 12 - Housing for Diverse Incomes and Generations.

Neighborhoods shall have several different housing types.

Alleys



Shrubs, vines, an overhead trellis, and a change in paving color visually narrow the alley width, however there is minimal space for landscaping.



Larger alley setbacks create opportunities for enhancements such as potted plants and other items of personal expression and ownership.



Garage doors set into an alcove created by a second story porch provides storage for trash receptacles and minimizes the prominence of the garage.

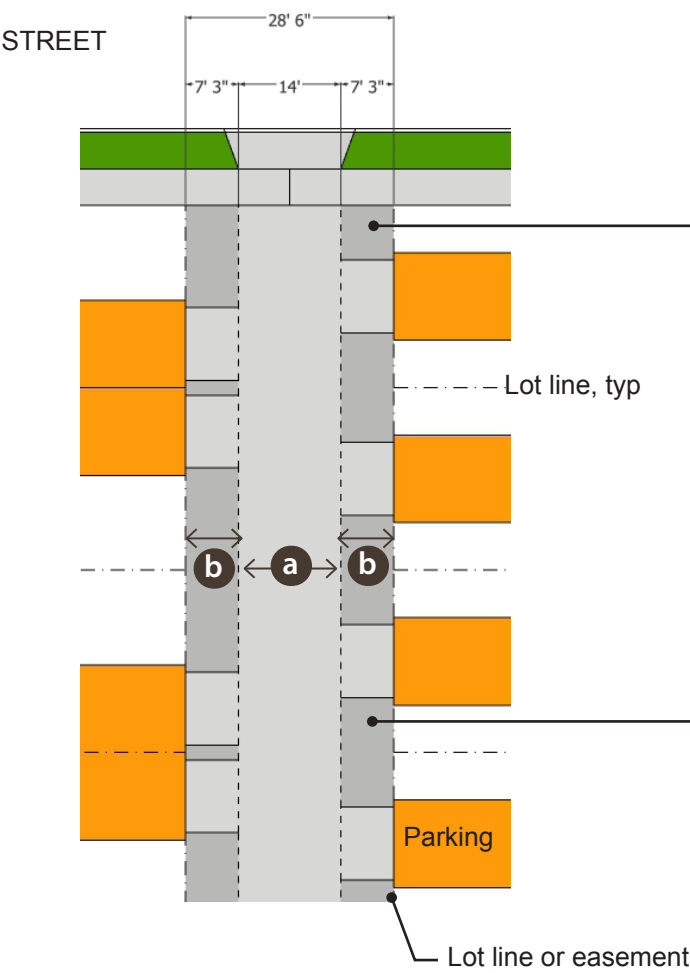


The curb physically and visually narrows the width of the alley. Permeable paving is built into the lowest point at the center to handle stormwater.

Alleys

Design Standards

- » Must choose from the following Alley Types:
 - » Alley Type 1
 - » Alley Type 2



Examples of low landscape buffer treatments for an alley.

Alley Standards Type 1		
a	Travel Way Width	14 feet
b	Low Landscape Buffer	7.25 feet, each side

Alley Standards Type 2		
a	Travel Way Width	20 feet, minimum

Parking

Development and Design Standards

Garages

Applicability

- » Site size: All sites
- » Housing Types: All
- » Zones: [to be determined]

These standards apply to all garages that are accessory to a dwelling whether they are attached or detached to the primary dwelling.

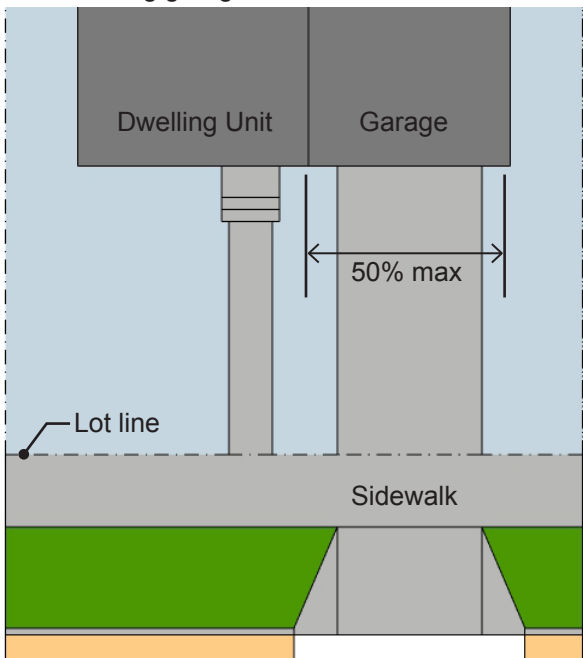
Length of street-facing garage wall

The length of the garage wall facing the street may be up to 50 percent of the length of the street-facing building façade. See Figure below.

Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following.

1. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall, or
2. A covered balcony above the garage that is:
 - » At least the same length as the street-facing garage wall;
 - » At least 6 feet deep; and
 - » Accessible from the interior living area of the dwelling unit.

Street-facing garage wall



Principle 8 - Human Scale Design.

Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.



The garage and driveway dominate the façade, which does not meet the standards of a garage wall that is less than 50% of the overall width of the façade.

Parking

Garage setback

A garage wall that faces a street may be no closer to the street lot line than the longest street-facing wall of the dwelling unit.

Whether attached to a residence or as a separate structure, a covered storage facility (garage) for a vehicle on which the main opening is toward a street shall be located not less than 20 (twenty) feet from the property line bordering the street.

Exception: Garage that is less than half the façade width and flush with porch façade

A street-facing garage wall may be up to 6 feet in front of the longest street-facing wall of the dwelling unit, if:

- » The street-facing garage wall is 40 percent or less of the length of the building façade; and
- » There is a porch at the main entrance. The garage wall may not be closer to the street lot line than the front of the porch. The porch must meet the standards for porches as set out in Universal Standards: Front Yard.

Exception: Sideways-facing Garages

The garage may extend in front of house when:

- » It is oriented perpendicular to the street and fronts on a paved court. The side wall of the garage must meet the requirements of Length of street-facing garage wall.
- » The side wall of the garage—which in this case is the street-facing façade—must meet the requirements of Façade Universal Standards.
- » In addition, the garage must meet the front setback requirements of the underlying zone.

Exception: Garages adjacent to alleys

A garage adjacent to an alley may have a zero foot setback from the alley, if allowed in the Development Standards table for the applicable housing type.

Medium and Large Surface Parking Lots

Concept

A parking lot is a storage space for cars, and should provide secure storage. It is also a place where everyone is a pedestrian while getting to or from their car. Therefore it should be designed primarily for the ease, safety and comfort of a person rolling or on foot.

Guiding Principles

Clearly defined pathways through parking lots and garages to building entrances, surrounding sidewalks, and transit stops enhance pedestrian safety. These pathways also provide an opportunity to improve the appearance of parking lots.



Example of sideways-facing garage.



Example of a parking lot through connection

Design parking lots and garages so that vehicles are not the dominant feature.

To encourage bicycling as a mode choice, bike parking areas should include bike repair, maintenance, and cleaning stations

Applicability

- » Site size: All housing types where parking is provided for nine parking spaces or more.

Fundamentals

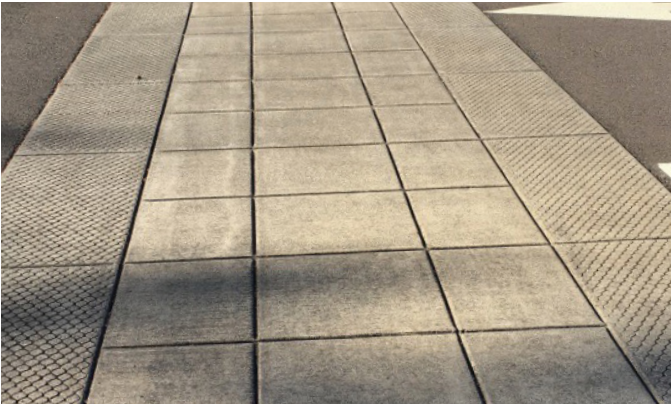
Parking lot pathways should be designed as part of the seamless accessibility network described in Apartment Design Standards, particularly the

- » Required through connection, and
- » Required design elements

Driveways to shared parking areas are:

- » Limited to one driveway per street frontage.
- » Parallel parking is permitted on a driveway that crosses a front, side or rear yard abutting a street, but not within the required yard setback.

Parking



Walkway surface must be clearly marked and differentiated from the surface parking area. Marking treatment may be paint or paving material.

Required through connections

Through Connections may be multi-modal or used exclusively for bicycle and pedestrian access.

Through Connection required components and options	
Walkway	Planted area
<p>Walkway must be paved, and 10 feet wide minimum. Paved area may be:</p> <ul style="list-style-type: none"> » 5 feet wide, minimum, each side of a drive aisle. » 10 feet wide, minimum, one side of a drive aisle. » 10 feet wide, minimum, if no drive aisle. <p>(Drive aisle minimum width 12 feet)</p> <p>Walkway surface must be clearly marked and differentiated from the surface parking area. Marking treatment may be paint or paving material.</p>	<p>A planted area is required on one or both sides of the through connection walkway.</p> <p>Planted area must be a minimum of 6 feet wide. Planted areas may be:</p> <ul style="list-style-type: none"> » 3 feet minimum, each side of the through connection walkway. » 6 feet minimum, one side of the through connection walkway. <p>Landscaped areas along a through connection may be interrupted by vehicular crossings.</p> <p>Landscaped areas along a through connection count toward required interior landscaping.</p>

Parking

Medium and Large Surface Parking Lots (continued)

Interior landscaping, minimum area

- » Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.
- » For parking lots less than 50,000 square feet, the minimum landscaped area is 5%.
- » For parking lots 50,000 square feet and greater, the minimum landscaped area is 8%.
- » Planted areas may take the form of landscape areas and planter bays.
- » For the purposes of calculating landscaped areas, parking lots are defined as [TBD].

Through Connection landscaping

- » Landscaped areas along a Through Connection count toward required interior landscaping.

Interior landscaping, trees

- » Landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated no more than 60 feet from another. Such islands shall be provided with raised curbs, be a

minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non columnar.

- » Trees may line the required Through Connection, and/or be clustered within landscape islands or planter bays, and / or shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.

Parking lot perimeter landscaping

- » When a parking area abuts a property in a residential zone, a site-obscuring fence or wall, either permanent or of living material, shall be placed along the affected property line.

Setbacks adjacent to buildings and structures

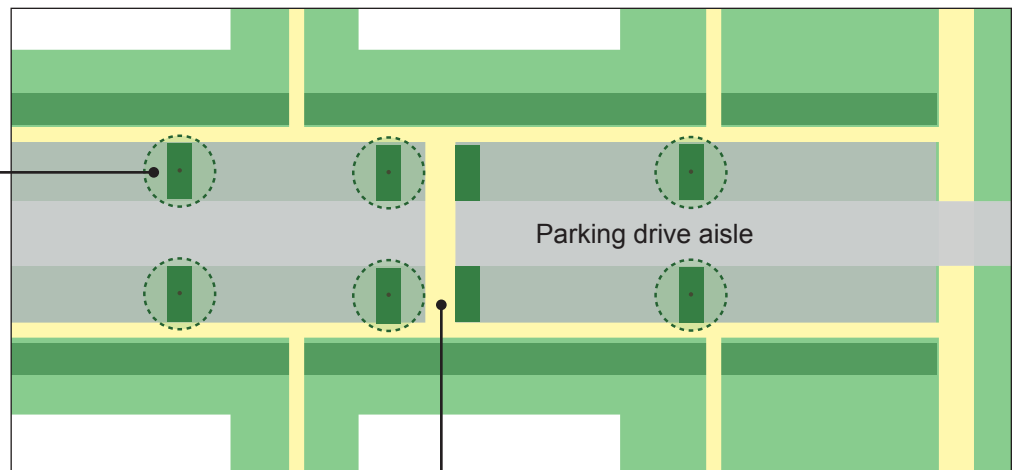
- » Where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, or by a minimum five-foot-wide paved pedestrian walkway.

Medium surface parking lot

Interior landscaping is required for medium and large parking lots. Planted areas may take the form of landscape areas and planter bays.

Landscaped islands and peninsulas shall be evenly distributed throughout all parking areas and separated no more than 60 feet from another. Such islands shall be provided with raised curbs, be a minimum of five feet in width, and shall each contain at least one deciduous tree. To achieve the maximum canopy coverage, all trees shall be non columnar.

See "Fundamentals" for options.



10-foot wide Through Connection required no further than 200 feet apart, on center. Walkways must be paved, and 10 feet wide minimum. Walkway surface must be clearly marked and differentiated from the surface parking area. Marking treatment may be paint or paving material.

A planted area is required on one or both sides of the through connection walkway. Planted area must be a minimum of 6 feet wide. Landscaped areas along a through connection may be interrupted by vehicular crossings.

Landscaped areas along a through connection count toward required interior landscaping. See Through Connection required components and options.

Common Open Space

Design Guidelines

Common open spaces offer residents social and health benefits while also defining and bringing character to a development. Common open spaces may include shared recreational facilities such as play areas, sports fields or swimming pools; rooftop decks that prompt interaction and include shared amenities such as grills, play space, or seating. Common open spaces may be located along connecting pathways and courtyards or shared streets that allow for impromptu games of tag and the opportunity to pass neighbors. Critical to the success of a common open space is its location and territorial definition. Common open space should be appropriately located so users feel safe and residents take ownership and responsibility for the shared space. The design should take into account its relationship to units, entries, and windows, as well as how landscaping or other barriers may impact sight corridors. Common open spaces should have clear intended uses with visual cues to inform users as to the desired function. Avoid large, hard-surfaced or landscaped areas that lack furnishings or other design elements suggesting specific activities. Break down large spaces into smaller, comfortable outdoor rooms through the use of fencing or low walls, furnishings and lighting, building placement, and plantings. Sensitive design will produce greater benefits than expensive materials or furnishings and certainly more options for use than large undefined open areas.

Applicability

- » For the following housing types: Apartments
- » For infill and new subdivisions
- » In the following zones: [to be determined]

All developments over four units shall meet the fundamental requirements for Common Open Space. In addition, projects shall provide at least [four] of the options listed under Menu of Options.

Fundamental requirements:

- ☐ A common open space shall be provided that is centrally located and designed with a clear function that enhances the livability of residents. These functions shall include passive and active uses. The open space shall be accessible to all residents and if possible be fronted by clearly defined unit entrances. The common open space shall serve as the focus of surrounding buildings. Entries and windows shall face the common open space to provide informal surveillance. Common open space shall be accessible to all residents.

Principle 3 - Parks and Open Spaces.

Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.

Principle 4 - Pedestrian Friendly.

Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

Principle 7 - Accessibility.

To the best extent possible all features within a neighborhood shall be designed to be accessible and feature elements and principles of Universal Design.

- ☐ Common open space shall be a minimum of 12.5% of the site. Passive open space shall not be more than [TBD]% of the site.
- ☐ When vehicular areas are located between dwellings and common open space, clearly defined pathways shall be provided to enhance pedestrian safety. Pathway surface shall be clearly marked and differentiated from the vehicular area with paint or alternative paving material.
- ☐ Common open space shall have a minimum dimension of 20 ft at the narrowest part.
- ☐ Walkways are required between dwellings and common open space.

Common Open Space

Menu of Options

- ☐ Provide opportunities for formal and informal recreational use by residents of all ages. This could be a shared recreational facility including sport fields, play structure, bike track, courts, swimming pool, or other options.
- ☐ Provide tall deciduous trees for summer shade and winter solar access. When possible preserve and incorporate large existing trees at least 9 inches in diameter as a focal point of open spaces.
- ☐ Enhance the usability of the space through the inclusion of elements including seating, outdoor lighting, weather protection and/or shade structures, and art, among other features.
- ☐ Incorporate landscaping that receives at least 50% of its irrigation from harvested rainwater.
- ☐ Provide opportunities for food cultivation include a community garden and/or incorporate cultivated species into the landscaping.
- ☐ A maximum of 50% of common open space may be provided in a rooftop deck that includes shared amenities, weather protection, and landscaping, and is accessible to all residents.
- ☐ A shared outdoor courtyard or shared street/woonerf that is enfronted by individual entrances, windows, and balconies. There should be a combination of hardscape and landscaped space and/or planters.



Shared open space is integral to this design and provides space for gathering or gardening, as well as preserving existing trees and wetland areas.



Make the use of semi-public spaces unambiguous.

Private Open Space

Concept

Every dwelling needs private open space for relief from indoors and to provide access to fresh air, light, and nature. Private open space may take many forms based on the size of unit.

Design Guidelines

Private open spaces should respond to the needs of residents. While they may take a variety of forms and configurations based on the scale of the building and its context, private open spaces should be usable and provide an opportunity for personalization and ownership by residents. Open spaces should provide health and well-being benefits including access to fresh air and sunlight, ability to grow food or shade their dwelling with plants. They should translate into a perception of an increase in living space and the ability to invite the outdoors in. Additionally, these open spaces can provide environmental benefits with plants that consume carbon dioxide and help reduce stormwater runoff. Spaces should be adequate to be usable, allowing space for a chair to sit in, a place to barbecue or hang clothes to dry, or for a pet to curl up. Private open space should enhance the residential function of the building while also improving the appearance of the building. They should be integrated into the overall architectural form and add detail to the façade. Placement can vary based on privacy concerns. It can be combined across multiple floors.

Applicability

- » For the following housing types: Apartments
- » For infill and new subdivisions
- » In the following zones: [to be determined]

All developments shall meet the fundamental requirement for Private Open Space.

In addition, projects may provide private open space in the form of one of the options listed under Menu of Options.

Principle 3 - Parks and Open Spaces.

Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.



Individual back deck or front porch provides small seating area under cover from the elements.

Fundamental requirement

- » All units shall have a minimum of 36 square feet of private open space that allows for personalization and ownership of the space and contributes to the livability and function of the dwelling. Any exterior private open spaces shall be supplemented with operable windows to allow for cross-ventilation, increase air flow and provide the ability to control access to the outdoors.
- » 50% of upper units shall have a balcony that is accessible from the interior of unit that is a minimum of 60 square feet with no dimension less than 6 feet. These balconies can be designed to be up to the full width of the apartment in order to provide adequate space for use and allow greater indoor/outdoor flow. Balconies can be cantilevered, semi-recessed, or fully recessed. They should be located based on privacy and environmental concerns. If balconies are transparent, adequate storage should be provided within the unit or the larger building so that balconies do not become informal storage spaces.
- » Private outdoor space at the ground-level must meet the requirements of Universal Standards: Front Yard regardless of whether the private outdoor space is in the front, side, or rear of a building.

Private Open Space

Menu of Options

- ☐ A “Juliet-style” balcony of 12” dimension that allows resident to bring a sense of the outdoors into the unit. Must have doors that can open inwards or full-height sliding glass doors to allow introduction of fresh air and sunlight. If this item is selected, units must also include operable windows to increase air flow/ability to control access to the outdoors.
- ☐ An upper story rooftop deck or terrace that may include space for outdoor seating, dining, and planters for cultivation. This terrace may be stepped back on structures over two stories so as to reduce the visual impact of upper floors.
- ☐ Alternative option that meets the concept and guiding principles.



Different configurations of private open space for upper units.



Multi-dwelling development with private open space large enough for personalization and seating.

Compatibility

Concept

New housing should be compatible with its surrounding context while introducing new shape, size and detail variation, enabling different housing styles and types to sit side-by-side harmoniously.

Applicability

- » For the following housing types: All housing types
- » For infill and new subdivisions
- » In the following zones: [to be determined]

Principle 8 - Human Scale Design.

Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.

Principle 12 - Housing Variety.

Neighborhoods shall have several different housing types.

Similar housing types, when immediately adjacent to one another, shall provide variety in building form and design.



These homes have similar rooflines and porch elements, but they vary – one is gabled and one is hipped with a dormer making them distinct from one another.

Compatibility

Fundamental Requirements: Siting

Projects must meet all of the following requirements:

- ☐ Single dwellings, duplexes, triplexes, quadplexes, tiny houses, and dwellings within cottage clusters that are of the same or very similar design must be separated by at least two lots and may not be directly across from one another. Similar design consists of exterior elevations that utilize the same or similar rooflines, projections, garage doors, paint colors, building materials, window sizes and orientation.
- ☐ On a site with multiple buildings of varying scales (or that vary from the surrounding context), provide a gradual transition between scales. For example, locate dwellings that are similar in scale and density along the street frontage and transition to lower scale and density buildings toward the rear of the site. Use rear driveways and landscaping as a buffer backing up to adjacent properties of a different scale.
- ☐ Arrange building volumes and setbacks in a way that reflects neighborhood patterns along street frontages and contributes to the desired character.
- ☐ Arrange courtyard apartments so that end units reflect a neighborhood context of detached units along the street frontage.



Variation in color, roof form, and porch configurations have a dynamic quality while consistent setbacks provide continuity.



Cookie-cutter homes with minimal change in form, window openings, or color do not meet the standard for variation.

Compatibility

Menu of Options: Massing

Projects must meet at least three options:

- ☐ Use roof forms and bays to break up the overall mass of larger dwellings and reflect the building forms and scale of single dwellings.
- ☐ Pair units under a single roof form and distinct building volume to provide massing reflective of detached dwellings.
- ☐ Walls incorporate vertical wall offsets, projections, or recesses to reduce building façades into smaller volumes and define visually distinct living unit modules.
- ☐ Step back upper floors so that first two stories frame the street and relate to the human scale and reduce visual impact of the third and higher floor.
- ☐ Mark a distinct physical transition between the base and upper floors of a building through a change in brick pattern, change in materials and/or wall surface pattern, articulation of a floor line, or change in window types.
- ☐ Use horizontal elements the entire width of the front façade to mark break between floors or along roofline including band course, band molding, bellyband, or belt course.
- ☐ Use a variation in roof forms on all four elevations of a structure to visually break up monotony including pitched or sloping roof elements, variations in pitch and height of roof planes, dormers, eaves, gable or dormer end brackets, corbels, or decorative wood timbers.
- ☐ Limit continuous ridgelines to less than 40 feet in length and continuous eaves to 25 feet in length.
- ☐ Step down taller buildings next to smaller buildings to enable buildings of larger scale but similar proportions to blend in with surroundings



The use of roof forms and changes in materials and colors that reflect units of living decreases the perception of the massing and scale of this apartment building.



Changes in roof form or the incorporation of smaller scaled elements would improve the compatibility of the larger building adjacent to the bungalow.

Compatibility

Menu of Options: Human-Scale Detail

Smaller scale functional or decorative elements break up visual monotony and provide human-scaled details that provide interest and help define different building styles. Additionally, these repeating elements relate to the scale and context of surrounding existing dwellings, easing transitions.

Front and public-facing building facades must meet all of the following requirements:

- ☐ Facades shall provide vertical offsets, projections, or recesses to break up the building façade. Vertical projections may encroach into exterior side yard setbacks by up to 20 percent of the required setback distance.
- ☐ Elevations shall include horizontal elements the width of the façade. The horizontal elements shall mark the break between floors or be located along rooflines, and may include fascia, band course, band molding, bellyband, or belt course.
- ☐ A minimum of two types of building materials shall be used on the front elevations.
- ☐ Trim with a minimum size of 3 inches on all windows.

In addition, front and public-facing building facades must provide at least four of the following options:

- ☐ Windows
- ☐ Gables
- ☐ Dormers
- ☐ Architectural bays
- ☐ Awnings made of fabric, metal or wood-framed
- ☐ Change in wall planes
- ☐ Ground floor wall lights/sconces
- ☐ Transom windows
- ☐ Balconies or decks
- ☐ Columns or pilasters – not decorative

Principle 8 - Human Scale Design.

Buildings include design elements that promote inclusion and interaction with the right-of-way and public spaces, including, but not limited to, building orientation towards the street or a public space and placement of vehicle-oriented uses in less prominent locations.



Bays create upper-level decks and provide recesses for entries while differentiating units from one another.

Subdivisions

Modular Block Layouts

Applicability

- » For the following housing types: All housing types
- » For infill and new subdivisions
- » In the following zones: [to be determined]

Modular lot width

An intermix of housing types is possible if blocks are platted with a lot width module that can be aggregated. If lots are increments of 25 to 30 feet wide, and can be aggregated into lots that are 50 or 60 feet wide (or 75 or 90 feet wide), a wide variety of dwelling types can occupy the same block.

For example, narrow lot dwellings such as townhouses or tiny houses on 25-foot lots may sit next to larger lot dwellings such as courtyard apartments or cottage clusters on a 50 or 75-foot lot.

In a new subdivision, the greatest flexibility for lot variety is provided by having an alley serve as parking and driveway to each lot (see Figure “Block with Alley”).

When parking is accessed via a driveway from the front of the lot, the lot width is governed by frontage requirements of Universal Design Standards – Street Frontage, and the minimum lot width will be 40 feet (see Figure “Block without Alley”).

Block lengths

Most housing types can be accommodated on blocks that are 200 to 220 feet deep and 200 to 350 feet wide, with an alley easement or dedicated right of way.

In an infill setting, narrow lot housing types may be “infilled” between more conventional larger-lot detached homes. The intermixing of lot widths ensures that affordable compact housing types can sit side-by-side with detached single dwellings. Cottage clusters and smaller-scale apartments, such as garden apartments or walk-up apartments, can be intermixed on 2-3 lots that have been aggregated. Such apartments buildings need to be sized and designed to fit into the neighborhood context.

Principle 4 - Pedestrian Friendly.

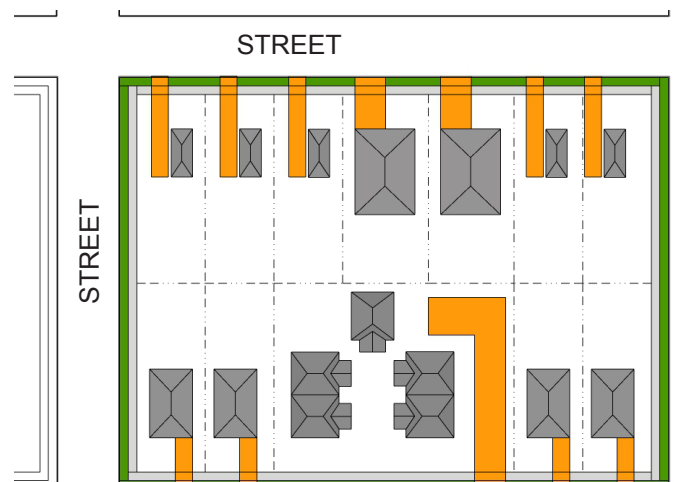
Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

Principle 12 - Housing Variety.

Neighborhoods shall have several different housing types.



Block layout showing parking accessed from an alley.



Block layout showing parking accessed from the front, spaced appropriately to accommodate street frontage requirement.

Subdivisions

Partial alley at the end of a block

Applicability

- » Optional for the following housing types: All housing types
- » Optional for infill and new subdivisions

Partial alley

A partial alley is where an alley is used to provide access to parking at the rear of lots, in lieu of driveways located at the front of the lot (see Figure, Partial Alley Block).

Turnarounds are not required for partial alleys.

Option 1: The total number of lots and units served by a partial alley shall be [six lots], but no more than [six units].

Option 2: The total number of lots and units served by a partial alley, if more than [six lots] or [six units], shall be approved by the Fire Marshal.

Principle 4 - Pedestrian Friendly.

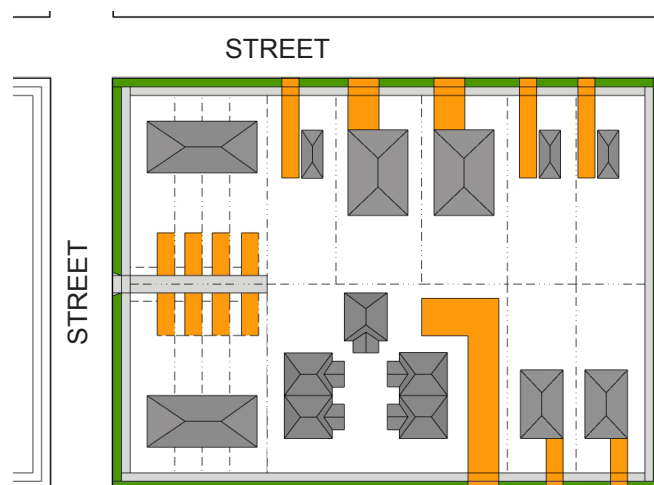
Neighborhoods shall include a pedestrian network that provides for a safe and enjoyable pedestrian experience, and that encourages walking for a variety of reasons including, but not limited to, health, transportation, recreation, and social interaction.

Principle 11 - Housing for Diverse Incomes and Generations.

A range of housing forms and types shall be provided and integrated into neighborhoods to provide for housing choice at different income levels and for different generations.

Principle 12 - Housing Variety.

Neighborhoods shall have several different housing types.



Hybrid infill block layout with partial alley at one end of a block and front-loaded parking for the remainder.

Subdivisions

Usable Side Yard Setback

Applicability

- » Optional for the following housing types: Tiny houses, plexes, single dwellings
- » Optional for infill and new subdivisions

Usable side yard setback

A narrow side setback development is where dwelling units sharing street frontage are shifted to one side of their lot, to within 3 feet of the property line. This provides for greater usable yard space on each lot. These developments require that the planning for all of the house locations be done at the same time, and the setbacks and exact location of each unit is recorded on the deeds of the applicable lots. Proof of such recording must be submitted as part of the building permit application.

Building setbacks. The side yard setback on one side of the house may be reduced to 3 feet. This reduction does not apply to the side yard setback adjacent to a street, or to the side yard setback adjacent to lots that are not part of the usable side yard setback project.

Distance between houses

- » Infill lots: The minimum distance between all buildings in the development must be equal to twice the required side building setback standard of the underlying zone.
- » Tiny houses in new subdivisions: The minimum distance between all buildings may be the minimum distance required by the building official.

All other development standards that apply to the housing type must be met, (e.g., distance between driveways).

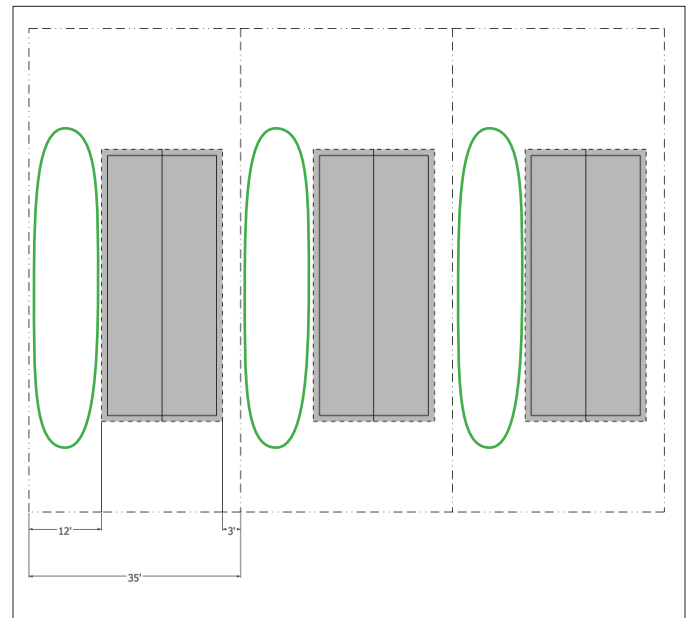
A deed restriction must be recorded on the deed of each applicable lot to ensure the continued fulfillment of this setback.

Eaves

Eaves on the side of a house with a reduced setback must comply with proper fire separation requirements.

Privacy

Consider the privacy of neighboring properties by designing homes with higher windows on the narrow setback side.



Usable side yard setbacks provide more space for each home.



Usable side yard setback homes provide enough space for side yard patios. Adjacent homes were designed with high windows on the narrow setback side for added privacy.

Subdivisions

Common Greens

Applicability

- » Optional for all housing types
- » Optional for infill and new subdivisions
- » In the following zones: {to be determined}

Corner common green

A corner common green has frontage on more than one intersecting street, if the green is located at the corner of the intersecting streets (see Figure, Corner Common Green).

Standards for all common greens

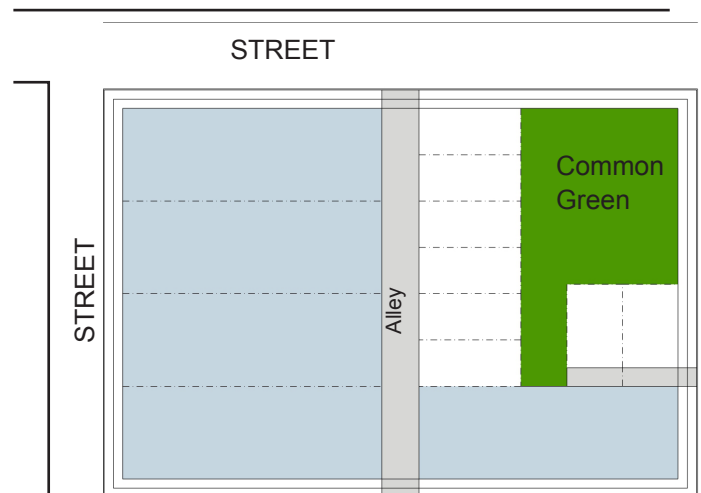
- » Common Greens must include at least 400 square feet of grassy area, play area, or dedicated gardening space, which must be at least 15 feet wide at its narrowest dimension.
- » Turnarounds are not required for common greens.
- » Common green must be sized to accommodate expected users and uses, and take into consideration the characteristics of the site and vicinity, such as the pedestrian system, structures, natural features, and the community activities that may occur within the common green.
- » Generally, common greens should be dead-end streets. However, common greens may be through streets if a public pedestrian connection is provided directly abutting the common green, or in close proximity.
- » Where a dwelling unit faces the common green, it must meet the requirements for Front Yards.

Principle 3 - Parks and Open Spaces.

Parks, trails, and open spaces shall be provided at a size and scale that is variable based on the size of the proposed development and the number of dwelling units.



This common green preserved heritage trees and gives residents a shared open space.



Corner common green allows for a flexible lot configurations.