



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**

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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF LEGISLATIVE AMENDMENTS TO THE MCMINNVILLE CITY CODE, TITLE 17, ADDITION OF CHAPTER 17.11 RESIDENTIAL DESIGN AND DEVELOPMENT STANDARDS. AMENDMENTS TO THE REST OF TITLE 17 ARE HOUSEKEEPING CONSISTANACY WITH CHAPTER 17.11.

DOCKET: G 6-21

REQUEST: The City of McMinnville is proposing amendments to the McMinnville Municipal Code and the McMinnville Comprehensive Plan to remove regulatory barriers for Middle Housing as defined by HB 2001; to meet City of McMinnville goals and policies related to housing; and to bring the City’s Municipal Code into compliance with the two HB 2001 components: OAR 660-046-0000 through 660-046-0235 (Division 46). Proposed Municipal Code amendments include the addition of a new Chapter 17.11, Residential Design and Development Standards, housekeeping amendments to, Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Low-Density Residential Zone), Chapter 17.15 (R-2 Low-Density Residential Zone), Chapter 17.18 (R-3 Medium Density Residential Zone), Chapter 17.21 (R-4 Medium High-Density Residential Zone) and Chapter 17.22 (R-5 High-Density Residential Zone), Chapter 17.60 (Off-Street Parking and Loading), and clean up of references throughout the code.

LOCATION: N/A

ZONING: R1, R2, R3, R4 and R5

APPLICANT: City of McMinnville

STAFF: Heather Richards, Planning Director

HEARINGS BODY: McMinnville Planning Commission

DATE & TIME: March 17, 2022, 6:30 p.m.
<https://mcminnvilleoregon.zoom.us/j/89271957372?pwd=OVF1ZFRxVGo3b3NCWVdPVTB0SHRJdz09>

Meeting ID: 892 7195 7372 Passcode: 910656

The public may also join the Zoom meeting by phone by using the phone number and meeting ID below:

Phone: +1 253 215 8782 Meeting ID: 892 7195 7372

**DECISION-MAKING
BODY:** McMinnville City Council

I. Application Summary:

The City of McMinnville is proposing amendments to the McMinnville Municipal Code and the McMinnville Comprehensive Plan to remove regulatory barriers for Middle Housing as defined by HB 2001; to meet City of McMinnville goals and policies related to housing; and to bring the City's Municipal Code into compliance with the two HB 2001 components: OAR 660-046-0000 through 660-046-0235 (Division 46). Proposed Municipal Code amendments include the addition of a new Chapter 17.11, Residential Design and Development Standards, housekeeping amendments to, Chapter 17.06 (Definitions), Chapter 17.12 (R-1 Low-Density Residential Zone), Chapter 17.15 (R-2 Low-Density Residential Zone), Chapter 17.18 (R-3 Medium Density Residential Zone), Chapter 17.21 (R-4 Medium High-Density Residential Zone) and Chapter 17.22 (R-5 High-Density Residential Zone), Chapter 17.60 (Off-Street Parking and Loading), and clean up of references throughout the code.

II. CONDITIONS OF APPROVAL

None.

III. FINDINGS OF FACT

1. The City of McMinnville must comply with HB 2001.
2. On May 3, 2021, city staff hosted a work session with the Planning Commission to discuss options regarding HB 2001 amendments to the McMinnville City Code. At that time, Planning Commission provided direction to move forward with a legislative effort to amend the McMinnville Municipal Code to remove regulatory barriers for middle housing as deemed appropriate.
3. On February 22, 2022, a joint work session was held with Planning Commission and City Council.
4. Notice of the application and the Planning Commission public hearing was published in the News Register on Friday, March 11, 2021, in accordance with Section 17.72.120 of the Zoning Ordinance.
5. On March 17, 2022, the Planning Commission held a duly noticed public hearing to consider the request.
6. Title 17 of the MMC provides the code provisions for zoning and development regulations for the City of McMinnville.

IV. CONCLUSIONARY FINDINGS:

The Conclusionary Findings are the findings regarding consistency with the applicable criteria for the application.

Oregon Administrative Rules (OAR) 660-046-0000 to OAR 660-046-0235 govern middle housing in medium and large cities in the state of Oregon. McMinnville is categorized as a large city in the rule, and the requirements relevant to large cities are addressed below.

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.*

FINDING: SATISFIED.

1. OAR 660-046-0010 Applicability (2) requires that the city's code be amended to comply with Oregon Administrative Rules (OAR) 660-046-0000 to OAR 660-046-0235 governing middle housing in medium and large cities in the state of Oregon.
2. Proposed amendments satisfy these requirements because they will apply to the five zones which currently permit single detached dwellings, R-1, R-2, R-3, R,4 and R-5. These zones cover a majority of land area within the city and will allow for development of middle housing types on a wide range of lot sizes and neighborhood contexts.
3. The city will continue to apply protections to statewide land use planning goals 5, 6, 7, 9, 11, and 16 as applicable.

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.*

FINDING: SATISFIED.

1. The city provided notice of the proposed amendments to DLCD on February 10, 2022.
2. The proposed amendments increase affordability through the elimination of regulatory barriers to middle housing in single dwelling residential zones but do not include consideration of methods to increase affordability through modifying system development charges, tax exemptions, or through assessing a construction tax.
3. The proposed amendments do not include any consideration of the impact of middle housing on the transportation system.

660-046-0040 Compliance

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).

FINDING: SATISFIED.

The city will comply with the state requirement to adopt middle housing code amendments prior to June 30, 2022.

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.

FINDING: SATISFIED. Proposed amendments satisfy these requirements because:

1. Duplexes are permitted on all lots which permit detached single dwellings.
2. Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-dwellings, are permitted in areas zoned for residential use that allow for the development of single detached dwellings. The city will continue to apply protections to statewide land use planning goals 5, 6, 7, 9, 11, and 16 as applicable.
3. This section is not applicable because McMinnville has opted for the “minimum compliance” pathway.
4. Amendments comply with the numerical standards for each of the middle housing types.

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).*

FINDING: SATISFIED. Proposed amendments satisfy these requirements because:

1. The city will continue to apply protections to statewide land use planning goals 5, 6, 7, 9, 11, and 16 as applicable.
2. The Residential Development and Design Standards (RDDS) use clear and objective siting standards, and applies those standards equally to detached single dwellings, duplexes, triplexes, and quadplexes.
3. Code amendments consists of siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay and include only the following:
 - a. Protections that are consistent with statewide land use planning goals 5, 6, 7, 9, 11, and 16.
 - b. All middle housing types are permitted land uses and are governed by the same approval processes and procedures as single detached dwellings.
 - c. The Residential Development and Design Standards (RDDS) use clear and objective siting standards, applies those standards equally to detached single dwellings, duplexes, triplexes, and quadplexes, or includes siting standards for attached single dwellings and cottage clusters that are based on the design standards in the Large City Model Code (LCMC), or are less restrictive.
 - d. The RDDS design standards, called Universal Design Standards, use clear and objective, quantitative criteria.
 - e. The RDDS standards address conversions of existing detached single dwellings to any of the middle housing types or have adopted language from the Large City Model Code (LCMC) or the less restrictive OAR benchmarks.
 - f. Code amendments do not rely on nor provide alternative siting or design standards as described in OAR 660-046-0235.
 - g. Code amendments use a number of siting and design standards that are contained in the Model Code 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).

FINDING: SATISFIED. Proposed amendments satisfy these requirements because:

- Code amendments ensure that all HB-required middle housing types are permitted land uses, governed by the same approval processes and procedures as single detached dwellings.

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*

- 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 to 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.*

FINDING: SATISFIED. The proposed amendments satisfy these requirements because:

- The Residential Development and Design Standards (RDDS) use clear and objective siting standards, and applies those standards equally to detached single dwellings, duplexes, triplexes, and quadplexes, and
- The RDDS includes siting standards for attached single dwellings and cottage clusters that are based on the design standards in the Large City Model Code (LCMC), or it applies designs standards that are less restrictive, and
- The RDDS design standards, called Universal Design Standards, use clear and objective, quantitative criteria, and
- Are specifically designed to comply with OAR 660-046-0225(1)(c), by using the same design standards that are applied to single detached dwellings in the same zone,.

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.*

FINDING: SATISFIED. The proposed amendments satisfy these requirements because:

- The RDDS standards address conversions of existing detached single dwellings to any of the middle housing types, and
- The RDDS standards have adopted language from the Large City Model Code (LCMC) or the less restrictive OAR benchmarks.

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.*

FINDING: SATISFIED. The proposed amendments do not rely on alternative siting or design standards as described in OAR 660-046-0235.

Comprehensive Plan

As described in the Comprehensive Plan, the Goals and Policies of the Comprehensive Plan serve as criteria for land use decisions. The following Goals and Policies from Volume II of the McMinnville Comprehensive Plan are applicable to this request:

CHAPTER V. HOUSING AND RESIDENTIAL DEVELOPMENT

GOAL V 1 TO PROMOTE DEVELOPMENT OF AFFORDABLE, QUALITY HOUSING FOR ALL CITY RESIDENTS.

General Housing Policies:

58.00 City land development ordinances shall provide opportunities for development of a variety of housing types and densities.

59.00 Opportunities for multiple-family and mobile home developments shall be provided in McMinnville to encourage lower-cost renter and owner-occupied housing. Such housing shall be located and developed according to the residential policies in this plan and the land development regulations of the City.

60.00 Attached single-family dwellings and common property ownership arrangements (condominiums) shall be allowed in McMinnville to encourage land-intensive, cost-effective, owner-occupied dwellings.

Housing Rehabilitation Policies:

62.00 The maintenance, rehabilitation, and restoration of existing housing in residentially designated areas shall be encouraged to provide affordable housing.

FINDING: SATISFIED. Goal V 1 and the relevant policies to middle housing are satisfied by this proposal because the code amendments will remove regulatory barriers to housing of all types, sizes and levels of affordability. Code amendments also encourage existing single detached dwellings to be converted to multiple units. Conversion of existing residential structures is an important complement to new construction affordable housing.

GOAL V 2 TO PROMOTE A RESIDENTIAL DEVELOPMENT PATTERN THAT IS LAND INTENSIVE AND ENERGY-EFFICIENT, THAT PROVIDES FOR AN URBAN LEVEL OF PUBLIC AND PRIVATE SERVICES, AND THAT ALLOWS UNIQUE AND INNOVATIVE DEVELOPMENT TECHNIQUES TO BE EMPLOYED IN RESIDENTIAL DESIGNS.

Policies:

68.00 The City of McMinnville shall encourage a compact form of urban development by directing residential growth close to the city center, to designated neighborhood activity centers, and to those areas where urban services are already available before committing alternate areas to residential use. (Ord. 5098, December 8, 2020)

69.00 The City of McMinnville shall explore the utilization of innovative land use regulatory ordinances which seek to integrate the functions of housing, commercial, and industrial developments into a compatible framework within the city.

70.00 The City of McMinnville shall continue to update zoning and subdivision ordinances to include innovative land development techniques and incentives that provide for a variety of housing types, densities, and price ranges that will adequately meet the present and future needs of the community.

FINDING: SATISFIED. Code amendments to allow middle housing will support these policies. Code amendments also encourage existing single detached dwellings to be converted to multiple units. Conversion of existing residential structures is an energy-efficient and less land intensive alternative to new housing construction.

CHAPTER VIII. ENERGY

GOAL VIII 2 TO CONSERVE ALL FORMS OF ENERGY THROUGH UTILIZATION OF LAND USE PLANNING TOOLS.

Policies:

178.00 The City of McMinnville shall encourage a compact urban development pattern to provide for conservation of all forms of energy.

179.00 The City of McMinnville shall amend pertinent ordinances to allow for design techniques which increase the efficient utilization of land and energy. Areas to examine shall include, but not be limited to:

- 1. The zoning ordinance requirements, including density, lot areas, and setbacks to increase utilizable space in lots, while maintaining health and safety standards.*
- 2. The geographic placement of various uses (commercial, industrial, residential) on the Comprehensive Plan Map to encourage energy-efficient locations.*
- 3. The zoning ordinance and planned development provisions to allow for cluster developments, individually owned, common-wall dwellings, and other design techniques that increase utilizable space and offer energy savings.*

FINDING: SATISFIED. Goal VIII 2 and relevant policies are satisfied because the proposed code amendments will encourage more efficient utilization of existing residential areas by allowing middle housing that includes more energy-efficient housing types.

CHAPTER IX. URBANIZATION

GOAL IX 1 TO PROVIDE ADEQUATE LAND TO SERVICE THE NEEDS OF THE PROJECTED POPULATION TO THE YEAR 2023, AND TO ENSURE THE CONVERSION OF THESE LANDS IN AN ORDERLY, TIMELY MANNER TO URBAN USES.

GOAL IX 2 TO ESTABLISH A LAND USE PLANNING FRAMEWORK FOR APPLICATION OF THE GOALS, POLICIES, AND PROPOSALS OF THE McMINNVILLE COMPREHENSIVE PLAN.

Great Neighborhood Principles – several policies are relevant to the middle housing amendments:

Policies:

187.10 The City of McMinnville shall establish Great Neighborhood Principles 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, whether that place is a completely new development or a redevelopment or infill project within an existing built area.

187.20 The Great Neighborhood Principles shall encompass a wide range of characteristics and elements, but those characteristics and elements will not function independently. The Great Neighborhood Principles shall be applied together as an integrated and assembled approach to neighborhood design and development to create a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood, and to create a neighborhood that supports today's technology and infrastructure, and can accommodate future technology and infrastructure.

187.30 The Great Neighborhood Principles shall be applied in all areas of the city to ensure equitable access to a livable, egalitarian, healthy, social, inclusive, safe, and vibrant neighborhood for all McMinnville citizens.

187.40 The Great Neighborhood Principles shall guide long range planning efforts including, but not limited to, master plans, small area plans, and annexation requests. The Great Neighborhood Principles shall also guide applicable current land use and development applications.

187.50 The McMinnville Great Neighborhood Principles are provided below. Each Great Neighborhood Principle is identified by number below (numbers 1 – 13) and is followed by more specific direction on how to achieve each individual principle.

- 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.*
 - a. The size, form, and proportionality of development is designed to function and be balanced with the existing built environment.*
 - b. Buildings included 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.*
 - c. 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).*

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

FINDING: SATISFIED. Goals IX 1 and IX 2, along with the relevant policies, are satisfied. The objective of these updates is to further expand the range of middle housing types, including tiny houses, duplexes,

triplexes, quadplexes, townhouses, cottage clusters, and apartments, which are allowed and encouraged by the city. A related objective is HB 2001 compliance for the housing types required by the legislation (duplexes, triplexes, quadplexes, townhouses, cottage clusters). Updates resulting from this project will reflect recommendations from the earlier citywide Housing Types project, called RDDS – Residential Development and Design Standards, which was directly related to implementing the McMinnville Great Neighborhood Principles.

CHAPTER X. CITIZEN INVOLVEMENT AND PLAN AMENDMENT

GOAL X 1 TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF McMINNVILLE.

FINDING: SATISFIED. 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. Work sessions were then conducted with the City Council and Planning Commission in August, 2021 to review the final recommendations.

On February 22, 2022 a joint work session was held with Planning Commission and City Council. Additionally, there were four public work sessions held on February 28th, March 1st, 2nd, and 3rd.

The public hearing process provides further opportunity for consideration of citizen involvement and input and associated deliberation.