



City of McMinnville
Planning Department
231 NE Fifth Street
McMinnville, OR 97128
(503) 434-7311

www.mcminnvilleoregon.gov

Planning Commission
ZOOM Online Meeting:
September 17, 2020

*Please Note that this meeting will be conducted via
ZOOM meeting software due to the COVID-19 event.*

6:30 PM Regular Meeting

ZOOM Meeting: You may join online via the following link:

<https://mcminnvilleoregon.zoom.us/j/94133171297?pwd=QlZlZWYUdzRmZlV1J4dEx3TGVOVGxKZz09>

Zoom ID: 941 3317 1297

Zoom Password: 596607

Or you can call in and listen via zoom: 1 699 900 9128
ID: 941 3317 1297

Public Participation:

Citizen Comments: If you wish to address the Planning Commission on any item not on the agenda, you may respond as the Planning Commission Chair calls for "Citizen Comments."

Public Hearing: To participate in the public hearings, please choose one of the following.

- 1) *Email in advance of the meeting – Email at any time up to 12 p.m. the day of the meeting to Sarah.Sullivan@mcminnvilleoregon.gov, that email will be provided to the planning commissioners, lead planning staff and entered into the record at the meeting.*
- 2) *By ZOOM at the meeting - Join the zoom meeting and send a chat directly to Planning Director, Heather Richards, to request to speak indicating which public hearing, and/or use the raise hand feature in zoom to request to speak once called upon by the Planning Commission chairperson. Once your turn is up, we will announce your name and unmute your mic.*
- 3) *By telephone at the meeting – If appearing via telephone only please sign up prior to the meeting by emailing the Planning Director, Heather.Richards@mcminnvilleoregon.gov as the chat function is not available when calling in zoom.*

----- MEETING AGENDA ON NEXT PAGE -----

The meeting site is accessible to handicapped individuals. Assistance with communications (visual, hearing) must be requested 24 hours in advance by contacting the City Manager (503) 434-7405 – 1-800-735-1232 for voice, or TDY 1-800-735-2900.

*Please note that these documents are also on the City's website, www.mcminnvilleoregon.gov. You may also request a copy from the Planning Department.

Commission Members	Agenda Items
<p>Roger Hall, Chair</p> <p>Lori Schanche, Vice-Chair</p> <p>Robert Banagay</p> <p>Erin Butler</p> <p>Susan Dirks</p> <p>Gary Langenwaller</p> <p>Roger Lizut</p> <p>Beth Rankin</p> <p>Vacant</p>	<p>6:30 PM - REGULAR MEETING</p> <ol style="list-style-type: none"> 1. Call to Order 2. Approval of Minutes <ul style="list-style-type: none"> • May 21, 2020 (<i>Exhibit 1</i>) 3. Citizen Comments 4. Work Session: <ul style="list-style-type: none"> • HB 2001 – Missing Middle Housing Code Update (<i>Exhibit 2</i>) • Urban Growth Boundary Update 5. Commissioner/Committee Member Comments 6. Staff Comments 7. Adjournment

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EXHIBIT 1 - MINUTES

May 21, 2020
Planning Commission
Regular Meeting

6:30 pm
Zoom Online Meeting
McMinnville, Oregon

Members Present: Chair Roger Hall, Commissioners: Robert Banagay, Erin Butler, Susan Dirks, Gary Langenwaller, Roger Lizut, Amanda Perron, Beth Rankin, and Lori Schanche

Members Absent: None

Staff Present: Heather Richards – Planning Director and Chuck Darnell – Senior Planner

1. Call to Order

Vice Chair Schanche called the meeting to order at 6:32 p.m.

2. Approval of Minutes

- January 16, 2020 – Work Session**

Commissioner Langenwaller moved to approve the January 16, 2020 minutes. The motion was seconded by Commissioner Banagay and passed unanimously.

3. Action Item

- Minor Partition (MP 1-17) Extension Request**

Senior Planner Darnell said this was a request to extend a previously approved partition on the corner of Hembrey and Grand Haven Streets. The partition was approved in 2017 and had been extended last year by the Planning Commission. The applicant had issues completing the partition and would like one more year. The original owner of the property had passed away and there was difficulty selling some of the land to finance the required public improvements. Staff thought the same conditions of approval would still apply and recommended approval. The extension would be to April 5, 2021. Staff thought this should be the last extension.

Chair Hall arrived at 6:38 p.m.

Commissioner Dirks asked if they could give the applicant a longer extension than one year. Senior Planner Darnell said there was no code requirement that limited them to one year.

Commissioner Dirks thought because of this uncertain economic time, they should give the applicant a longer period of time.

Commissioner Butler asked if this was their final extension, would they not be able to divide the property if they did not make the deadline. Senior Planner Darnell clarified if they did not make the deadline they would have to reapply.

Planning Director Richards said it was unusual to get more than a one year extension on a partition. The reason they did not want to keep extending it was that code requirements changed over time and they did not want to set a precedent. Her concern was they had not done anything in three years and the steps did not require a significant financial outlay. She suggested rather than give them two years, to approve the one year and if they did not get it done they could apply for another extension and explain why they did not get it done.

Commissioner Rankin asked if the property did not sell, it would remain a complete parcel and lot 4 would not be landlocked. Senior Planner Darnell said lot 4 was already a separate legal parcel and had rights to an access utility easement that went to the south.

Commissioner Langenwaller thought the one year extension would hold their feet to the fire more than a two year and hopefully they would finish. If they were close and needed another extension, he would support that. He wanted to see progress.

Commissioner Perron said if they made this their last extension and the applicant wanted to reapply, would that give the Planning Department more room to make other requirements. Planning Director Richards said the partition requirements were straightforward and objective.

Commissioner Perron moved to approve MP 1-17. The motion was seconded by Commissioner Langenwaller and passed 9-0.

- **2020-2024 Planning Commission Work Plan**

Planning Director Richards said this was the Work Plan the Commission reviewed in January. The items were in two year blocks because they took more than one year to achieve. Most of the items in 2019-2020 were either completed or already underway. As they got into 2021-2022 and 2023-2024, they would start to make the items more comprehensive. This was the work that could be done with existing staff and budget for the next five years.

Commissioner Dirks asked which 2019-2020 items had been completed. Planning Director Richards gave the status of each item.

Commissioner Lizut asked about the impact of Covid on the budget. Planning Director Richards did not know what the impact would be. In November/December the property tax receipts came in and staff would relook at the budget. The 2019-2020 items were already funded. They had not seen a decrease in permitting activity other than what they anticipated because of land constraints.

Commissioner Dirks moved to adopt the 2020-2024 Planning Commission Work Plan. The motion was seconded by Commissioner Langenwaller and passed 9-0.

4. Work Session: Residential Site and Design Review: Design & Development Standards

Senior Planner Darnell said the Commission had a Work Session on this item in February. The focus of tonight's Work Session was the Universal Design Standards. He gave a background on HB 2001 which was approved in 2019 and required cities of certain sizes to allow "middle housing" in areas and properties that allowed for the development of detached single-family

dwelling. Middle housing was defined as including duplexes, triplexes, quadplexes (fourplexes), cottage clusters, and townhouses. The bill would go into effect in 2022 and code amendments needed to be done to allow for these housing types. This work also aligned with the Housing Strategy, Great Neighborhood Principles, and Planning Commission Work Plan. The draft standards focused on the Great Neighborhood Principles and compatibility with the existing neighborhoods. They also focused on building form and in a format that was user friendly. The Planning Commission would be looking at an evaluation of the City's residential zones and discussing the creation of a diverse housing zone, flexibility in the current zones, creating a stand-alone higher density residential zone, and subdivision standards. The residential development and design standards were developed with a holistic approach that focused on a combination of site design, building form, and architectural features. Basic development standards were 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 were proposed to be applied to all of the housing types, which were referred to as Universal Design Standards.

Senior Planner Darnell then gave an overview of the Universal Design Standards. Included in the standards were tiny homes, cottage clusters, plexes, townhomes, single dwellings, accessory dwelling units, and apartments. The document described apartments in a range of smaller scale courtyard apartment that was one to two stories to a walk up apartment to a block apartment. He noted this section needed to be fleshed out more and staff would bring back more details in the future. Each housing type had its own section, beginning with a summary page that provided a definition or concept of the housing type. The section would also provide guiding principles and photo examples. Each housing type had development standards. Staff proposed three sets of standards, one for in fill, one for new development with an alley, and one for new development without an alley. Each housing type would be subject to Universal Design Standards as well. The Universal Design Standards had an overview page, reference to the Great Neighborhood Principles, design guidelines and guiding principles, photo examples, and fundamental requirements. The first Universal Design Standard was façade which had to do with the building's relationship to public space and human scale design.

Commissioner Butler asked about the photo example of a garage that looked like it was more than 50% of the front. Senior Planner Darnell said it might be right at 50%, but it could be edited.

Commissioner Dirks agreed that was not the best example and staff should find a different one.

There was discussion regarding whether this guiding principle was appropriate, to recess the garage from entrances to make the entrance more prominent.

Commissioner Butler thought the principle might be too strict.

Commissioner Schanche suggested saying garages should be on a different plane from entrances.

Planning Director Richards would note this concern and the Commission could discuss it at a later time.

Senior Planner Darnell said the second Universal Design Standard was street frontage. The intent was to have the tree line and street canopy along the pedestrian space. They wanted to maximize the planters for trees and landscaping, maintain the pedestrian space, maximize on street parking, promote alleys for access, and spacing and pairing of driveways. There were three different types of frontage proposed, front-loaded parking, front loaded parking with paired

driveways, and alley-loaded parking. For front-loaded, the maximum driveway width would be 40% of the frontage and the minimum distance between driveways would be 24 feet. For the front-loaded with paired driveways, staff was still doing the analysis for the maximum driveway width. The minimum distance between driveways would be 30 feet. For alley-loaded, the minimum street frontage width would be determined by the development standards of the housing type.

Commissioner Rankin noted that shared driveways were difficult to maintain.

Commissioner Dirks asked where the 40% of the frontage came from for front-loaded parking. Senior Planner Darnell said that was the current standard. He could research the industry standards and comparable cities.

Commissioner Dirks said for front-loaded with paired driveways, she thought the maximum driveway width needed to be less than 40% for each. She noted a lot of photos demonstrated what they wanted and a lot that demonstrated what they did not want, but the captions underneath did not make it glaringly obvious that one was correct and the other was incorrect.

Senior Planner Darnell said the third Universal Design Standard was front yard. The intent was to provide a transition between the public space and private space on individual lots. The emphasis was on scaling and layering between public and private space and entrance to the dwelling. The neighborhood front yard type had three zones, gateway, front yard, forecourt, or dooryard, and porch, stoop, or terrace. In the gateway zone, the requirement would be low fence or low plantings. In the front yard, forecourt, or dooryard zone, the requirements were a minimum of five feet distance between inside edge of gateway and edge of porch, stoop, or terrace, a paved walkway between the sidewalk and entrance, and one of the following or a combination: pedestrian-oriented hardscaped outdoor space, lawn or planted area, or alternative option that met the intent and purpose. In the porch, stoop, or terrace zone, the requirements were that 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. They also must have one of the following: ornamental fencing or balustrade or columns demarcating perimeter or supporting the roof.

Commissioner Langenwaller asked who owned the space between the property line and where the cars were parked. Senior Planner Darnell clarified it was public right-of-way which included the sidewalk and planter strip.

The other front yard type was urban type. For the gateway zone there had to be one of the following: low wall or fence, change in paving material, low fence, or low plantings. For the front yard, forecourt, and dooryard zone, a minimum of ten feet in depth was required and one of the following: ornamental fencing or balustrade, columns demarcating perimeter or supporting the roof, planted area, or wood decking. For the porch, stoop, or terrace zone, a minimum of ten feet in depth was required and one of the following: ornamental fencing or balustrade, columns demarcating perimeter or supporting the roof, recessed area, overhanging balcony, or canopy.

Senior Planner Darnell said the fourth Universal Design Standard was alleys. Alleys were encouraged for providing rear access to the buildings to provide more frontage and human scale design elements. Alleys also allowed more flexibility in housing types and sizes, consistent street frontage, parking spaces, and walk layout. The options for alleys were type 1 where the travel width was 14 feet and a low landscape buffer was 7.25 feet on each side, and type 2 where the travel width was 20 feet minimum.

Commissioner Butler said if there was an alleyway, did it preclude housing types from having a driveway and front garage. Senior Planner Darnell said yes, if there was an alley the access would be provided on the alley and there would be no front driveway or garage.

Commissioner Dirks asked what would be the incentive for type 1. She thought it would be a more attractive option. Planning Director Richards said they were trying to provide developers a choice. Type 1 reduced the backyard and for some neighborhoods they might want to preserve as much backyard as possible, but for others it might be the aesthetics of the alleyway that would be important.

Senior Planner Darnell said the rear yard setbacks that were proposed for the housing types would allow for a zero setback for a garage from an alley.

The fifth Universal Design Standard was parking. This standard focused on the garage and orientation of the garage to the public right-of-way. The intent was that the garages did not dominate the front façades of the buildings and there was more of a focus on other building and architecture features. It was a requirement for all housing types that the garage wall facing the street could be up to 50% of the length of the street facing building façade. Also the garage wall facing the street would be no closer to the street lot line than the longest street facing wall of the dwelling unit. There needed to be a minimum setback of 20 feet between the garage door opening and the property line adjacent to the street. An exception to the garage setback was to allow for a garage wall to be in front of the longest street facing building line as long as it was less than 40 percent of the façade and there was a porch at the main entrance. There was also an exception for sideways facing garage walls that they be allowed if the garage faced out into the paved driveway court area, but the exterior wall that faced the street had to meet the Universal Design Standards for the front facing building façade. If the garage was adjacent to the alley it would not be subject to the 20 foot setback requirement. There were also requirements for medium and large surface parking lots which were proposed to be applied to all housing types that had a parking lot for 9 or more parking spaces. One requirement was a pedestrian connection through the parking lot. There were standard widths for the walkways and planted areas were required along the walkways. There were requirements for a minimum amount of landscaped area around the parking lot based on its size, that there be interior landscaping and tree plantings, dimensions for how much separation should be provided between the plantings, and perimeter landscaping and setbacks between the parking lot and any building or housing structure.

Commissioner Schanche thought parking lines should be included in the graphic so they knew where the cars should go.

Commissioner Rankin asked if lighting was addressed in the standards. Senior Planner Darnell said at this point it was not included, but was something they intended to develop.

Commissioner Dirks said the location of the parking lot on the lot was not addressed in the standards. She did not think they should be located on the street, but should be behind so it made the street more human oriented. Planning Director Richards said that could be added.

The sixth Universal Design Standard was common open space. This would be required for cottage clusters and apartments. The intent was to provide open space for the benefit of the residents. There was language related to connectivity and orientation of the common open space on the site and its relationship to the buildings on the site. The requirements included the space to be centrally located and designed with a clear function that enhanced the livability of the residents. These functions would include passive and active uses and they would be

accessible to all residents and if possible be fronted by clearly defined unit entrances. They would serve as the focus of surrounding buildings and entries and windows would face the common open space to provide informal surveillance.

Commissioner Rankin asked who would maintain the open space and who would pay for the maintenance. Senior Planner Darnell said if it was in private ownership, it would require some form of private maintenance agreement through a potential HOA or other entity. If it was a rental situation, the property owner or management company would be responsible.

Commissioner Dirks asked about the definition of passive and active. She thought they should be specifically spelled out.

Senior Planner Darnell said the standards for the common open space would include that the open space be a minimum of 12.5% of the site, when vehicular areas were located between dwellings and common open space, clearly defined pathways would be provided to enhance pedestrian safety, the common space would have a minimum width or depth of 20 feet, and walkways were required between dwellings and the common open space. There was a menu of options for the features that would be included in the open space and a development would have to meet four of the items on the list.

There was discussion regarding the definition of passive and active open space.

The seventh Universal Design Standard was private open space. This would be required for plexes, townhouses, and apartments that might have limited private yard space or backyards. The requirements included: all units would have a minimum of 36 square feet of private open space for each dwelling unit, 50% of upper units would have a balcony that was accessible from the interior of the unit that was a minimum of 60 square feet with no dimension less than 6 feet, and private outdoor space at the ground level must meet the front yard Universal Standard requirements.

Commissioner Rankin asked why 50% would be required to have a balcony. Was it a financial consideration where the units without a balcony were less expensive? She thought it was important that all units have outdoor space. Senior Planner Darnell said the intent was that it be a minimum of 50%. Planning Director Richards said staff would look into best practices for that component.

The eighth Universal Design Standard was compatibility. It was focused on architecture and building form and the intent was to ensure there were components on these housing types that would allow them to blend into the existing neighborhood and built form. There were standards specific to siting, massing, and human scale details. The requirements for siting included buildings with similar design must be separated by at least two lots and may not be directly across from one another, on a site with multiple buildings of varying scales providing a gradual transition between scales, arranging building volumes and setbacks in a way that reflected neighborhood patterns along street frontages and contributed to the desired character, and arranging courtyard apartments so that end units reflected a neighborhood context of detached units along the street frontage. There was a menu of options for massing and projects had to meet at least three of the options, such as variation of roof form, vertical wall off-sets, upper floor setbacks, physical transitions marking a distinction between floors, horizontal elements along the entire width of the front façade, limiting the length of ridgelines and eaves, and stepping down taller buildings next to smaller buildings. There was also a menu of options for human scale detail. These were for front and public facing building facades. The requirements included providing vertical offsets, projections, or recesses to break up the building façade, elevations

would include horizontal elements the width of the façade, a minimum of two types of building materials would be used on the front elevations, and trim with a minimum size of three inches on all windows. In addition the project would have to provide four of the following options: windows, gables, dormers, architectural bays, awnings, change in wall planes, ground floor wall lights/sconces, transom windows, balconies or decks, and columns or pilasters.

There was discussion regarding how this was a good document and easy to understand. The Commission's comments would be passed on to the consultants.

5. Commissioner Comments

There was discussion regarding meeting in Civic Hall as opposed to a Zoom meeting. Planning Director Richards thought they would still be in a Zoom meeting format for the June meeting. She explained the advantages of the Zoom meetings.

6. Staff Comments

Planning Director Richards said they were performing at 100% program delivery even though 80% of staff was in a remote position. All of the programs had been set up to do electronic plan review and they could accept credit card payments.

7. Adjournment

Vice Chair Schanche adjourned the meeting at 8:41 p.m.

Heather Richards
Secretary



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EXHIBIT 2 - STAFF REPORT

DATE: September 17, 2020
TO: Planning Commissioners
FROM: Heather Richards, Planning Director
SUBJECT: WORK SESSION – House Bill 2001 Follow-Up

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.
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Report in Brief:

This is a work session discussion item for the Planning Commission to receive an update on House Bill 2001 and the City's on-going work to prepare for and respond to the requirements of the bill. An overview and update on the status of House Bill 2001 will be provided including new proposed Oregon Administrative Rules for Missing Middle Housing as well as infrastructure planning required to support the covenants of HB 2001 in single family residential zones in McMinnville.

Background:

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. 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."

In McMinnville this would include all of our residential lots in the City as all four zones (R1, R2, R3 and R4) allow single detached housing, as well as the OR (Office-Residential) zone.

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 are required to be submitted to the Department of Land Conservation and Development (DLCD) by June 30, 2021.

Discussion:

House Bill 2001 Rulemaking

As part of the state-wide implementation of HB 2001, DLCD is leading a rulemaking process that will result in clarifications to the HB 2001 language and more specifically prescribe requirements that cities must follow in regards to the allowance of the middle housing types by adopting Oregon Administrative Rules that will apply to all impacted cities. The rulemaking process will result in the development of 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. The rulemaking committee also drafted administrative rules that govern minimum compliance standards that cities must follow in the allowance of middle housing types. These minimum compliance standards include rules and regulations governing building form, building size, and off-street parking. **(Please see Attachment – Division 46 Middle Housing)**. Some of these minimum compliance standards differ from traditional McMinnville development standards and may be impactful to how the built environment serves the community in the future. The Land Conservation and Development Commission is hosting a public hearing on September 25 to consider the proposed drafted Oregon Administrative Rules. Many cities impacted plan to testify at the meeting.

Attachments:

- A) Proposed Division 46 Missing Middle Housing Oregon Administrative Rules

Fiscal Impact:

The City of McMinnville estimates spending \$225,000 to prepare for the implementation of HB 2001 within the City of McMinnville. The City has received \$120,000 in grant funds from the Department of Land Conservation and Development to help offset the hard costs for the City of McMinnville. In addition to the hard costs of consultant help with the implementation of HB 2001, the City of McMinnville is devoting 0.5 FTE for 18 months for this effort.

Recommendation:

As a work session discussion item, no specific action is required.

Division 46

Middle Housing

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 review process to delay the enactment of standards related to the siting and design of Middle Housing types in areas with significant infrastructure capacity 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 local government need not comply with this division for:
 - a. Lands that are not zoned for residential use, including but not limited to lands zoned primarily for commercial, industrial, agricultural, or public uses;
 - b. Residentially zoned lands that do not allow for the development of a detached single-family home; or
 - c. Lands that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.
3. Local governments 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 local governments 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 OAR 660-046-0010.
 - a. Goal 5: Natural Resources, Scenic, and Historic Areas - Pursuant to OAR chapter 660, division 23, local governments must adopt land use regulations to protect identified resources under Goal 5, including regulations to comply with protective measures (including plans, policies, and regulations) applicable to Middle Housing.
 - A. Goal 5 Riparian Areas, Wetlands, and Wildlife Habitat – Pursuant to OAR 660-023-0050 through 660-023-0115, local governments 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. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone.
 - B. Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), local governments 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. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a local government has not adopted land use regulations to protect nationally significant historic resources, they must apply protective measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the local government adopts land use regulations in compliance with OAR 660-023-0200. Local governments 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; or
 - 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), all waste and process discharges from future development, when combined with such discharges from existing developments, shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules, and standards. Local governments may apply regulations to Middle Housing in a manner that complies with federal and state air, water and land quality requirements.
- c. Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), local governments 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 FEMA Flood Insurance Rate Map (FIRM); and
 - B. Other hazard areas identified in an adopted comprehensive plan or development code; provided the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings. 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 15: Willamette Greenway – Pursuant to OAR 660-015-0005, cities and counties must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Local governments may regulate Middle Housing to comply with Goal 15 protective measures that apply to detached single-family dwellings in the same zone.
- e. Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR chapter 660, division 17, local governments must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features and water quality. Local governments may prohibit Middle Housing in areas regulated to protect estuarine resources under Goal 16.
- f. 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.
- g. Goal 18: Beaches and Dunes – Pursuant to OAR 660-015-0010(3), local governments 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. 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 Commission adopts the following model Middle Housing Model Codes. The applicable Model Code adopted by reference in this section will be applied to Medium and Large Cities who have not acted to comply with the provisions of ORS 197.758 and this division and completely replaces and pre-empts any provisions of that local jurisdictions development code that conflict with the Model Code:
 - 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 local governments 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:

1. "A Local Government That Has Not Acted" means a local government 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, each with a footprint of less than 900 square feet. Units may be located on a single Lot or Parcel, or on individual Lots or Parcels that include a common courtyard.
3. "Department" means the Department of Land Conservation and Development.
4. "Detached single-family dwelling" means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit, either site built or a manufactured dwelling.
5. "Duplex" means two attached dwelling units on a Lot or Parcel. A local government may define a Duplex to include two detached dwelling units on a Lot or Parcel.
6. "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 15 Willamette River Greenway;
 - e. Goal 16 Estuarine Resources;
 - f. Goal 17 Coastal Shorelands; or
 - g. Goal 18 Beaches and Dunes.
7. "Infrastructure Constrained Lands" means lands where it is not feasible to provide acceptable water, sewer, storm drainage, or transportation services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development; where the local government is not able to correct the infrastructure limitation by utilizing the process outlined in OAR 660-046-0300 through OAR 660-046-0370 due to cost, jurisdictional, or other limitations; and which cannot be remedied by future development of Middle Housing on the subject Lot or Parcel.
8. "Large City" means each city with a certified Portland State University Population Research Center estimated population of 25,000 or more or city with a population over 1,000 within a metropolitan service district. This also includes unincorporated areas of counties within a metropolitan service district that are provided with urban services as defined in ORS 195.065.
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 development for which a Large City proposes to adopt 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 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 a master plan or a plan that functions in the same manner as a master plan.
11. "Medium City" means each 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 contained in OAR 660-046-0010(4).
14. "Quadplex" means four attached dwelling units on a Lot or Parcel. A local government may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.
15. "Townhouse" means a dwelling unit that is part of a row of two or more attached units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent unit.
16. "Triplex" means three attached dwelling units on a Lot or Parcel. A local government may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.
17. "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 local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government 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 local government 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 local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

660-046-0040 Compliance

1. A local government 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 local government 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 local government 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 local government has adopted provisions under section (1).

5. If a local government has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the 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 local government is deemed to have acted. Accordingly, the local government 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 local government 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 local government has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the local government is deemed not to have acted under sections (3) and (4).
6. If a local government has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the local government'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 city is deemed to have not acted under sections (3) and (4).
7. If a local government 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 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 local government 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 local government'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(4); 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 Duplexes in the same manner as required by 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 conversion 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 other than Duplexes on Goal-Protected Lands as provided in OAR 660-046-0010(3);
 - b. Infrastructure Constrained Lands: Large Cities may limit the development of Middle Housing other than Duplexes on Infrastructure Constrained Lands;
 - c. Master Planned Communities: Large Cities may regulate or limit the development of Middle Housing other than Duplexes 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 may not limit the development of any Middle Housing type on lands where single-family detached dwellings are also allowed, but may limit overall net residential density within the master plan area provided that net residential density is least 15 dwelling units per acre. A Large City may designate areas within the master plan exclusively for other housing types, such as multi-family residential structures of five units or more or manufactured home parks. A Large City may not limit future conversion or redevelopment of already constructed residential units to any Middle Housing type.
 - 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 a net residential density of at least eight dwelling units per acre and allows all residential units, at minimum, to be detached single-family dwellings or Duplexes. A local government 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.
 - d. A Large City must demonstrate that regulations or limitations of Middle Housing other than Duplexes on these types of lands are the result of implementing or complying with an established state or federal law or regulation.
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 Middle Housing other than Duplexes is allowed on the following percentage of Lots and Parcels zoning 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;
 - D. Cottage Clusters – Must be allowed on 50% 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 single-family detached 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 net or gross 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 at least one Middle Housing type other than Duplexes on 75 percent of all residential lots and parcels within each census block group within a Large City.
4. Pursuant to OAR 660-046-0205 through OAR 660-046-0230, the following numerical standards related to Middle Housing types apply:
- a. Duplexes – Local governments may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.
 - b. Triplexes and Quadplexes – Local governments may allow more than four units on a lot, including any accessory dwelling units.
 - c. Townhouses – Local governments must require at least two attached Townhouse units and must allow up to four attached Townhouse units. A local government may allow five or more attached Townhouse units.
 - d. Cottage Clusters –
 - A. Local governments must allow at least five units in a Cottage Cluster. Nothing in this section precludes a local government from permitting less than five units in a Cottage Cluster.
 - B. A local government must allow up to eight cottages clustered around a common courtyard. Nothing in this section precludes a local government from permitting greater than eight units clustered around a 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(4). 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 standards to Duplexes as provided in OAR 660-046-0120.
2. The following siting standards apply to Large Cities' regulation of 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 up to 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 not be 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 fourplex may be up to 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 not be 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 to be 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 local government may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of 3,000 square feet or less: one space in total;

- ii. For Lots or Parcels greater than 3,000 square feet and less than or equal to 5,000 square feet: two spaces in total; and
 - iii. For Lots or Parcels greater than 5,000 square feet: three spaces in total.
 - B. For Quadplexes, a local government may require up to the following off-street parking spaces:
 - i. For Lots or Parcels of 3,000 square feet or less: one space in total;
 - ii. For Lots or Parcels greater than 3,000 square feet and less than or equal to 5,000 square feet: two spaces in total;
 - iii. For Lots or Parcels greater than 5,000 square feet and less than or equal to 7,000 square feet: three spaces in total; and
 - iv. For Lots or Parcels greater than 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 chooses to apply 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.
3. The following rules apply to Large Cities' regulation of 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 chooses to, the average minimum Lot or Parcel size 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.
 - b. Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it chooses to, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys, and 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 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 local governments mandate off-street parking, their height standards must allow construction of at least three stories. If local governments do not mandate off-street parking, their 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 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. Minimum Open Space and Landscaping: A Large City is not required to regulate minimum open space area and dimensions, but if it chooses to, the minimum open space may not exceed 15% of the minimum Lot or Parcel size, and the minimum smallest dimension may not exceed the Lot or Parcel width or 20 ft, whichever is less. A Large City may establish provisions allowing the provision of open space through shared common areas.
- 4. The following rules apply to Large Cities' regulation of 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 chooses to regulate minimum Lot or Parcel size for Cottage Clusters, 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 up to 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 chooses 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 single-family dwellings may not be greater than ten feet.
 - e. Height: A large City must allow a Cottage Cluster to be a height of at least one story.
 - f. Unit Size: A Large City may limit the size of dwellings in a Cottage Cluster, but must apply a maximum building footprint of 900 square feet per unit. A Large City may not include detached garages, carports, or accessory structures in the calculation of building footprint.
 - g. Parking:
 - A. A Large City may not require more than one off-street parking space per 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.
 - h. 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.
 - i. Nothing in this division precludes a Large City from allowing Cottage Cluster units on individual Lots or Parcels within the Cottage Cluster development.

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 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 conversion 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 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 being created through the 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 under the following conditions:
 - a. The preexisting single-family dwelling may be nonconforming with respect to the requirements of this code;
 - b. The preexisting single-family dwelling may be expanded up to the maximum height, footprint, or unit size required by this code; however, a preexisting single-family dwelling that exceed the maximum height, footprint, or unit size of this 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.

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) or (2) below if the city can demonstrate that it meets the applicable criteria laid out in either subsection (1) or (2) below. Siting or design standards do not include minimum Lot or Parcel size and maximum density requirements.

1. Existing Alternative Siting or Design Standards – A Large City must submit to the Department of Land Conservation and Development findings and analysis demonstrating that siting or design standards adopted prior to the adoption of these rules for Middle Housing types not in compliance with the standards provided in OAR 660-046-0220 or OAR 660-046-0225 have resulted in the substantial production of Middle Housing in areas where the standard was applied such that the standards have not, and will not in the future, individually or cumulatively cause unreasonable cost or delay to the development of Middle Housing.
 - a. Substantial production means:
 - i. The areas in which the Large City has applied the alternative standard or standards achieved a three percent or greater production rate of the applicable Middle Housing type over the time frame during which the Large City applied the standard or standards. At a minimum, the time frame must include two years of housing production data and housing production data from the full time frame in which the Large City applied the standard or standard. The production rate is the ratio of building permits issued for the applicable Middle

- Housing type in comparison to the total building permits issued for all Middle Housing and detached single-family dwellings over the same time frame; and
- ii. The areas in which the Large City applied the alternative standard or standards have a sufficient quantity of remaining sites where the Large City can accommodate Middle Housing to ensure a minimum three percent production rate over a twenty year horizon. The production rate is the ratio of building permits issued for the applicable Middle Housing type in comparison to the total building permits issued for all Middle Housing and detached single-family dwellings over the same time frame; and
 - b. If a Large City applied a design standard or standards that resulted in the substantial production of Middle Housing in a zone where the standard was applied, the Large City may apply that standard or standards in other zones, provided that any standard that scales by dwelling unit scales with the minimum Lot or Parcel size of the zoning district in which it applies.
2. New Alternative Siting or Design Standards – A Large City must submit to the Department of Land Conservation and Development 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.