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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FILED: 10/29/2026 11:25 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Update to Middle Housing Model Code

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/03/2026 9:45 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/03/2026
TIME: 9:30 AM
OFFICER: LCDC

IN-PERSON HEARING DETAILS
ADDRESS: Eugene City Hall, 500 E. 4th Ave., Eugene, OR 97401
SPECIAL INSTRUCTIONS:
Sign-up to testify in advance https://www.oregon.gov/lcd/Commission/Pages/Public-Comment.aspx

REMOTE HEARING DETAILS
MEETING URL: Click here to join the meeting
PHONE NUMBER: 253-205-0468
CONFERENCE ID: 98233803246
SPECIAL INSTRUCTIONS:
Passcode: 696556
Sign-up to testify in advance https://www.oregon.gov/lcd/Commission/Pages/Public-Comment.aspx

NEED FOR THE RULE(S):

The purpose of the amendments to Oregon Administrative Rules (OAR) chapter 660, division 46 is to provide conforming updates to the Middle Housing Model Code in local governments across Oregon.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

House Bill 2138. Oregon Administrative Rules chapter 660, division 46. These regulations can be found on the State of Oregon Secretary of State website.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The State of Oregon requires that a rulemaking notice include "a statement identifying how adoption of the rule will affect racial equity in this state" (ORS 183.335(2)(a) (HB 2993)). For the purposes of this statement, racial equity has been defined as treating people of all races fairly, justly, and without bias. The agency is required to attempt to determine the racial groups that will be affected by the rule, and how the rule will increase or decrease disparities currently experienced by those groups. In this context, a disparate treatment of racial groups may be supportable if it addresses current disparities.

The proposed rules are not expected to have disparate impacts on different racial groups if fair housing rules are followed on the State and Local levels. This rule relates to the production of new housing on lots within local governments. Discrimination in housing is prohibited by federal, state, and local law.

The rules are designed to provide clear and objective standards to create new housing opportunities in multiple zones across Oregon cities. The provision of model code, building designs, and a completeness check or mandatory ministerial approval process should have the effect of allowing for more timely, efficient, and lower cost housing production. Groups that have historically been discriminated against in housing, including exclusion from some areas, redlining in lending, and facing other structural affordability issues will benefit from new housing being supplied across all neighborhoods in formats that in theory should be more economical to build and lower cost to rent or buy.

FISCAL AND ECONOMIC IMPACT:

As part of the rulemaking process, a Fiscal Impact Statement is required to assess the expected degree to which "state agencies, units of local government, tribes, and the public that may be economically affected by the adoption, amendment or repeal of the rule" and must estimate the economic impact on those entities. ORS chapter 183.335(2)(b)(E) also requires that, in determining economic impact, the agency shall "project any significant economic effect of that action on businesses which shall include a cost of compliance effect on small businesses affected."

Proposed rules amend definitions and standards related to the development of middle housing in local governments across Oregon. The rules provide clear and objective expectations and standards for middle housing developments. Some local governments may need to expend resources in the form of time and money to amend existing development standards and regulations to comply with these proposed rules.

The department would expect there to be no substantive fiscal impact to the tribes or state agencies. There are no additional administrative requirements for these groups under the new rules.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the

expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

Small and Large Businesses
Property owners, developers, and home builders will have access to the program if they so choose. As these rules are intended to create additional development flexibility and decrease construction costs, the businesses may have an increased ability to profit from qualified home production.

To the extent the program has a positive impact on housing affordability, it would be supportive of small and large businesses by providing better housing alternatives for their workforce. If the program induces a higher level of residential construction activity, it will support additional employment and construction trades and related fields.

Local Government Costs
The magnitude and character of local government costs incurred will be related to the variance of existing middle housing standards to the newly proposed rules. Some local governments may need to engage in legislative and development code updates to comply with definitions and standards outlined in the proposed rules. To the extent overall home construction activity is accelerated, DLCD would expect higher revenues associated with development fees, system development charges, and ongoing property taxes. This may not reflect as a fiscal positive as residential construction is associated with service requirements and costs. As the program primarily targets smaller units, and we expect the mix of units to shift to smaller, relationship between properties, tax revenues from the residential development maybe offset by service requirements associated with the new residents. Improving the housing mix in the community may benefit many local business , and increase in residential density, which support a greater mix of commercial uses.

State Agency Costs
The proposed rule is expected to have marginal fiscal impacts on state agencies. There is the potential for DLCD to incur Department of Justice legal fees in situations where DLCD files, or is a party to, an appeal of a local government's actions that are not consistent with this administrative rule to the Land Use Board of Appeals (LUBA) or is brought to intervene in a LUBA case between two other parties regarding an appeal. DLCD also maintains authority to enact an enforcement order, which would incur legal fees and demand a modest increase in staff effort in time to review and compile legal records. We would expect this risk to be low due to the limited impact of these rules. The fiscal impact associated with additional DLCD staff time is expected to be minimal and no additional staffing is expected to be required.

Public
We expect that the primary shift associated with the program will be increased production of lower priced homes in an area. Marginal gains in affordability provide benefit to the public.

The proposed rule amendment of division 46 will likely result in a positive fiscal or economic impact to small and large businesses such as housing developers and home builders. The proposed amendments to middle housing definitions are likely to make the development of middle housing types more feasible. The proposed rule amendments are likely to have minimal to no fiscal or economic impact to state agencies such as the Department of Land Conservation and Development. The amendments to division 46 largely implement existing programs and does not create or materially alter existing processes.

To comply with these rules local governments may be required to invest time and financial resources in amending local development regulations to comply with new definitions and regulations in the proposed rules. They will likely use existing software, staff, and equipment to conduct this work. Developers and builders will need to prepare building plans

and development applications in compliance with the new definitions and regulations. This is very similar practice to existing development proposals.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

DLCD engaged representatives from the Oregon Realtors Association, Oregon Home Builders Association, and small architecture firms as part of the Rulemaking Advisory Committee. The proposed rules are not expected to have any substantive impact on any businesses not directly involved in housing production.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

ORS 183.335(2)(b)(E) and ORS 183.530 require that rules adopted by the LCDC include an "estimate of the effect of a proposed rule or ordinance on the cost of development of a 6,000 square foot parcel and the construction of a 1,200 square foot detached single-family dwelling on that parcel." (ORS 183.530). This Housing Impact Statement (HIS) is described in ORS 183.534. The new rules are not expected to impact the supply of available housing land. The rules are expected to have substantive impact on the cost of providing housing and/or the pace of construction.

The purpose of this division is to establish standards under which local governments shall regulate the development of middle housing. The rule does not directly impact the cost of materials, or the going rate of labor in the construction industries, both of which are set by the market. However, by creating standardization and certainty in the building process for those who use this system, there is the potential to create efficiencies among developers/construction firms. Additional development flexibility also benefits the development feasibility of middle housing on sites that otherwise would not have a viable development pathway. This would be expected to reduce the time and effort needed to construct a middle housing unit.

Similarly, to the extent that any of the clear and objective standards adopted in this rule are more flexible than the preexisting standards of a local jurisdiction they have the potential to allow for cost-reducing solutions in site planning and building design that might not otherwise be permitted.

RULES PROPOSED:
660-046-0010, 660-046-0020, 660-046-0040, 660-046-0110, 660-046-0210

AMEND: 660-046-0010

RULE SUMMARY: This rule describes which local governments are subject to the provisions of the division and in which areas of the city's urban growth boundary. The rule also describes how a city may regulate middle housing in conjunction with protective measures the city may have adopted to comply with the statewide land use planning goals.

CHANGES TO RULE:

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-unit 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 OAR 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-unit 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-unit 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-unit dwellings; and¶
(ii) Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-unit 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-unit 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-unit dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving

undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing.¶
(f) Goal 15: Willamette Greenway - Pursuant to OAR 660-015-0005, Medium and Large Cities must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Medium and Large Cities may allow and regulate the development of Middle Housing in the Willamette Greenway, provided that applicable regulations adopted pursuant to Goal 15 comply with ORS 197A.400.¶
(g) Goal 16: Estuarine Resources - Pursuant to OAR 660-015-0010(1) and OAR chapter 660, division 17, Medium and Large Cities must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features, and water quality. Medium and Large Cities may prohibit Middle Housing in areas regulated to protect estuarine resources under Goal 16 in the same manner as the Medium or Large City prohibits detached single-unit dwellings to protect estuarine resources under Goal 16.¶
(h) Goal 17: Coastal Shorelands - Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational, commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to Middle Housing that apply to detached single-unit dwellings in the same zone.¶
(i) Goal 18: Beaches and Dunes - Pursuant to OAR 660-015-0010(3), Medium and Large Cities must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes under Goal 18. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than development of detached single-unit 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 purpose~~s~~ of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the applicable Model Code or module adopted in this section will be applied to A Local Government That Has Not Acted to comply with the provisions of ORS 197A.420, ORS 197A.421, and this division as provided in OAR 660-046-0040. For such Medium and Large Cities, the applicable Model Code or module completely replaces and pre-empts any provisions of those Medium and Large Cities' development codes that conflict with the Model Code. The Commission adopts the following Middle Housing Model Codes:¶
(a) The Medium City Model Code as provided in Exhibit A; and¶
(b) The Large City Model Code as provided in Exhibit B.¶
(5) This division does not prohibit Medium of Large Cities from allowing:¶
(a) Single-unit dwellings in areas zoned to allow for single-unit dwellings; or¶
(b) Middle Housing in areas not required under this division.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 660-046-0010.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:
https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=340137

AMEND: 660-046-0020

RULE SUMMARY: This rule defines the terms and phrases that are used throughout the division.

CHANGES TO RULE:

660-046-0020
Definitions
As used in this division, the definitions in ORS 197.015 and ORS 197A.420 apply, unless the context requires otherwise. In addition, the following definitions apply:¶
(1) "A Local Government That Has Not Acted" means a Medium or Large City that has not adopted acknowledged land use regulations that are in compliance with ORS 197A.420, ORS 197A.421 and this division by the deadlines set forth in Oregon Laws 2019, chapter 639, section 3 as amended by Oregon Laws 2025, chapter 476, section 4 or OAR 660-046-0050.¶
(2) "Cottage Cluster" means a grouping of dwelling units that:¶
(a) Are attached in subgroupings of up to four units or detached in any configuration; ~~with no limitation on the total number of cottage cluster units;~~¶
(b) Have a common courtyard; and¶
(c) ~~Each have a small footprint or floor area such that units have an average of~~Have an average floor area of up to 1,400 square feet;¶
(A) To be calculated excluding porches, carports, and garages; and¶
(B) Nothing in this subsection prohibits a local government from regulating renovations, remodels, additions, or nonconforming uses after development occurs.¶
(3) "Department" means the Department of Land Conservation and Development.¶
(4) "Design Standard" means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, fa□ade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.¶
(5) "Detached single-unit dwelling" means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit.¶
(6) "Duplex" has the same meaning as provided in ORS 197A.420(1)(d).¶
(7) "Goal Protected Lands" means lands protected or designated pursuant to any one of the following statewide planning goals:¶
(a) Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;¶
(b) Goal 6 Air, Water and Land Resource Quality;¶
(c) Goal 7 Areas Subject to Natural Hazards;¶
(d) Goal 9 Economic Development;¶
(e) Goal 15 Willamette River Greenway;¶
(f) Goal 16 Estuarine Resources;¶
(g) Goal 17 Coastal Shorelands; and¶
(h) Goal 18 Beaches and Dunes.¶
(8) "Large City" means a city with a certified Portland State University Population Research Center estimated population of 25,000 or more, or a city with a population over 1,000 within Metro. A Large City includes:¶
(a) Regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods; and¶
(b) Urban unincorporated lands ~~of counties within Metro~~as defined in ORS 197A.015(12) of a county.¶
(9) "Lot or Parcel" means any legally created unit of land.¶
(10) "Master Planned Community" means a site that is any one of the following:¶
(a) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary that is zoned for or proposed to be Zoned For Residential Use, and which is not currently developed with urban residential uses, for which a Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan;¶
(b) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary for which a Large City adopted, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan after the site was incorporated into the urban growth boundary; or¶
(c) Added to the Large City's urban growth boundary after January 1, 2021, for which the Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan.¶
(11) "Medium City" means a city with a certified Portland State University Population Research Center estimated

population more than 2,500 and less than 25,000 and not within Metro.~~-~~¶
(12) "Middle Housing" has the same meaning as provided in ORS 197A.420(1)(e).¶
(13) "Model Code" means the applicable Model Code developed by the Department and contained in the exhibits in OAR 660-046-0010(4).~~¶~~
~~(~~14 "Model Code" and "Model Ordinance" are interchangeable.¶
(14) "Module" means a component proportion of a model code that is fully implementable with a complete set of standards or procedures applied to development. A module includes all applicable standards or procedures contained within the module as well as references and citations to other modules or applicable local land use regulations. A model code may contain one or more modules.¶
(15) "Quadplex" has the same meaning as provided in ORS 197A.420(1)(g).¶
(1~~5~~6) "Siting Standard" means a standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.¶
(1~~6~~7) "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:¶
(a) Connection to a public sewer system capable of meeting established service levels;¶
(b) Connection to a public water system capable of meeting established service levels;¶
(c) Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system; and¶
(d) Storm drainage facilities capable of meeting established service levels for storm drainage.¶
(1~~7~~8) "Townhouse" has the same meaning as provided in ORS 197A.420(1)(h).¶
(1~~8~~9) "Townhouse Project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.¶
(~~19~~20) "Triplex" has the same meaning as provided in ORS 197A.420(1)(i).¶
(2~~0~~1) "Zoned for Residential Use" has the same meaning as provided in ORS 197A.420(1)(j).
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

AMEND: 660-046-0040

RULE SUMMARY: This rule clarifies compliance with the implementation deadlines set forth in Oregon Laws 2019, chapter 639, section 3, prescribes application of the Middle Housing Model Code as a remedy for noncompliance.

CHANGES TO RULE:

660-046-0040
Compliance
(1) A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197A.420 and the provisions of this division.¶
(2) A Medium or Large City may request from the Department an extension of the time allowed to complete the action under section (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 January 1, 2027, 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)~~.~~ until such time as the Medium City has adopted provisions under section (1).¶
(~~4~~a) A ~~Large City which is A Local Government That H~~Medium City that is in partial compliance with ORS 197A.420, ORS 197A.421, and this division shall apply any applicable model code module to an application for the development of middle housing for which the city has ~~N~~not ~~Acted by January 1, 2027, or within two years of qualifying as a Large City pursuant to OAR 660-046-0050~~adopted compliant land use regulations.¶
(b) Nothing in this subsection prohibits a Medium City from applying acknowledged land use regulations to the development of middle housing that comply with ORS 197A.420, ORS 197A.421, and this division.¶
(4) A Large City which is A Local Government That Has Not Acted 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~~until such time as the Large City has adopted provisions under section (1).¶
(a) A Large City that is in partial compliance with ORS 197A.420, ORS 197A.421, and this division shall apply any applicable model code module to an application~~s~~ for th~~at specific M~~e development of middle ~~H~~housing ~~type until such time as the Large City has adopted provisions under section (1)~~for which the city has not adopted compliant land use regulations.¶
(b) Nothing in this subsection prohibits a Large City from applying acknowledged land use regulations to the development of middle housing that comply with ORS 197A.420, ORS 197A.421, and this division.¶
(5) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large City's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium or Large City is deemed to have acted. Accordingly, the Medium or Large City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:¶
(a) The Medium or Large City has adopted land use regulations or amended its comprehensive plan in response to the remand; or¶
(b) 120 days after the date of the remand. If the Medium or Large City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium or Large City is deemed not to have acted under sections (3) and (4).¶
(6) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large ~~c~~City's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court on any substantive grounds, the Medium or Large City is deemed to have not acted under sections (3) and (4).¶
(7) If a Medium or Large City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the Medium or Large City shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.¶
(8) Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4)~~,~~ and (5), the Model Code completely replaces and pre-empts any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

AMEND: 660-046-0110

RULE SUMMARY: This rule describes the applicability of middle housing requirements in medium cities, including the regulation of siting and design of middle housing.

CHANGES TO RULE:

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 197A.400; 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-unit 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 in the Model Code contained in ~~section~~ OAR 660-046-0010(4)(a) or OAR 660-008-0410 applicable to Medium or Large Cities.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

AMEND: 660-046-0210

RULE SUMMARY: This rule describes the applicability of middle housing requirements in large cities, including the regulation of siting and design of middle housing.

CHANGES TO RULE:

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 197A.400; 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 in the Model Code contained in OAR 660-046-0010(4)(b) or OAR 660-008-0410 applicable to Large Cities.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

Oregon Administrative Rule
Chapter 660, Division 046, Rule 0010

Exhibit A

Medium Cities Middle Housing Model Code

Medium Cities Middle Housing Model Code

User's Guide:

Oregon Revised Statutes (ORS 197A.420) requires that "Medium Cities" (defined as cities with a population of 2,500 or greater and less than 25,000 that are not within Metro's urban growth boundary) allow a duplex on each lot or parcel zoned for residential use that allows for the development of a detached single-unit dwelling. Duplexes provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-unit dwellings.

ORS 197A.420 allows local governments to regulate siting and design of duplexes, provided that the regulations do not, individually or cumulatively, discourage duplex development through unreasonable costs or delay. When regulating siting and design of duplexes, Medium Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon's housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of duplexes through unreasonable costs or delay.

Medium Cities may develop their own standards in compliance with the requirements of ORS 197A.420 and 197A.421. This model code may provide guidance toward that end. However, if Medium Cities do not adopt the required code amendments by the applicable deadline, they must directly apply this model code prepared by the Department of Land Conservation and Development (DLCD) to development in their jurisdictions. The model code is intended to be straightforward and implementable by Medium Cities throughout the state. The model rules are consistent with the requirements and intent of ORS 197A.420 and 197A.421 and are intended to ensure that a duplex is no more difficult to develop than a detached single-unit home. The model code is adopted by reference into Oregon Administrative Rules (OAR 660-046-0010(4)).

This model code is organized into modules, as identified in Table C-1. Pursuant to OAR 660-046-0040, a Medium City that has adopted compliant land use regulations for some, but not all, applicable requirements of ORS 197A.420, ORS 197A.421, and OAR chapter 660, division 46 must apply the applicable model code module to a middle housing application for any component not addressed by compliant local regulations. A Medium City may continue to apply its acknowledged land use regulations to components for which those regulations comply with applicable statutes and rules.

To the extent they are applicable, ORS 197A.420, ORS 197A.421, and the Administrative Rules contained in chapter 660, division 46 apply to and may be used to interpret this model code. Note, this model code does not include provisions implementing ORS 92.031 for middle housing land divisions. However, separate middle housing land division modules are included in the Housing Model Codes adopted under OAR 660-008-0410 and contained in Attachment C to that rule.

Sections:

- **A. Purpose**
- **B. Definitions**
- **C. Applicability**
- **D. Relationship to Other Regulations**
- **E. Permitted Uses and Approval Process**
- **F. Retention of Existing Units with a Duplex**
- **G. Development Standards**
- **H. Design Standards**
- **I. Duplex Conversions**
- **J. Accessible or Affordable Bonus Units**
- **K. Figures**

A. Purpose

The purpose of this model middle housing code ("code") is to implement ORS 197A.420 and 197A.421 by providing siting and design standards for duplexes developed on lots or parcels that allow for the development of detached single-unit dwellings.

B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

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

2. "Building footprint" means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and attached garages. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access. For attached housing, building footprint is measured for each dwelling unit separately, and is measured to the center of any common walls.

3. "Detached single-unit dwelling" means a detached structure on a lot or parcel that is comprised of a single dwelling unit. Detached single-unit dwellings may be constructed off-site (e.g., manufactured dwellings or prefabricated homes).

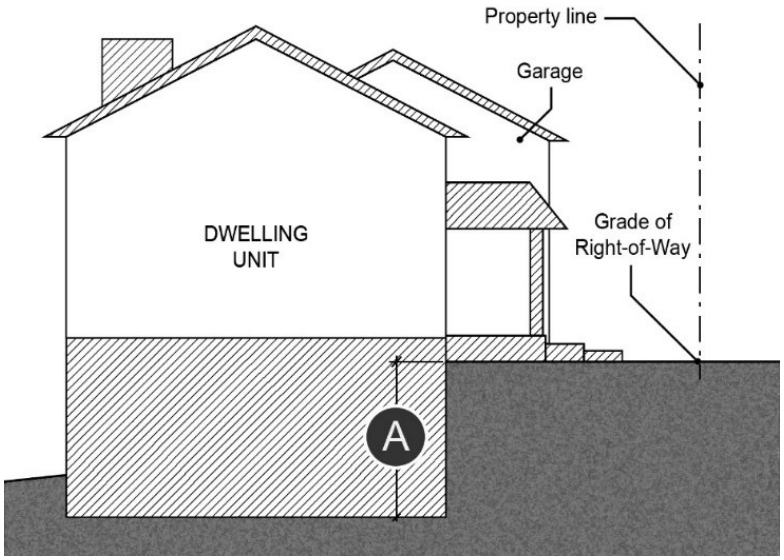
4. "Duplex" means two attached or detached dwelling units on a lot or parcel in any configuration, other than a lot or parcel created by a middle housing land division. Figure 3 through Figure 8 in Section K illustrate examples of possible duplex configurations. In instances where a development can meet the definition of a duplex and also meets the definition of a single-unit dwelling with an accessory dwelling unit (ADU), the applicant shall specify at the time of

application review whether the development is considered a duplex or a single-unit dwelling with an ADU.

5. "Floor area" means the total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):

    - Areas where the elevation of the floor is 4 feet or more below the adjacent right-of-way;
    - Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
    - Roof area, including roof top parking;
    - Areas where the ceiling height is less than 6 feet 8 inches;
    - Covered carports;
    - Stairwells beyond the first level (stairwells are only counted as floor area on one level);
    - Roof top mechanical equipment; and
    - Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

Figure 1. Areas Excluded from Floor Area Calculation





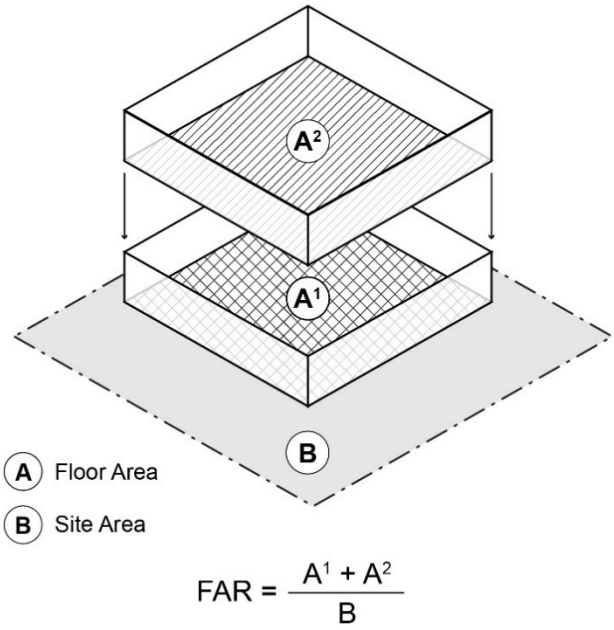
Area excluded from floor area calculation



Floor 4 feet or more below grade of right-of-way, measured at property line

6. "Floor area ratio (FAR)" means the amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. FAR is expressed as a ratio of X to I, where X represents the total building floor area permitted for each square foot of site area. For example, an FAR of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



7. "Lot or Parcel" means any lawfully established unit of land, as defined in ORS 92.010.
8. "Zoned for residential use" means land that:
    a. Is within an urban growth boundary;
    b. Has base zoning for, or is designated to allow, residential uses;
    c. Allows the development of a detached single-unit dwelling;
    d. Is not zoned primarily for commercial, industrial, agricultural or public uses; and
    e. Is incorporated or urban unincorporated land.

C. Applicability

1. Applicability of Model Code Modules. A Medium City may apply this model code in its entirety or apply one or more individual modules to the extent necessary to comply with applicable middle housing requirements.

    a. Sections A through D apply to all modules.

    b. The applicable locally adopted standards continue to apply to matters not governed by the selected module, provided those standards comply with ORS 197A.420, ORS 197A.421, and OAR chapter 660, division 46.

    c. The modules and related code sections are identified in Table C-1.

Table C-1. Medium Cities Middle Housing Model Code Modules

Module	Model Code Sections	Related Code Sections
Duplex	Sections E and G – I; Section K contains related figures	Sections A through D; Sections F and J, when applicable.
Retention of existing units with a duplex	Section F	Sections A through D and the locally adopted or model code standards applicable to duplexes.
Accessible or affordable bonus units	Section J	Sections A through D and the locally adopted or model code standards applicable to the underlying duplex development.

2. Except as specified in subsection (3) of this section (C), the standards in this code allow for the development of duplexes, including those created through conversion of existing detached single-unit dwellings, on lots or parcels zoned for residential use that allow for the development of detached single-unit dwellings.

3. Unless otherwise permitted by the jurisdiction's development code, the standards in this code do not allow for the creation of duplexes on lots or parcels on lands that are not zoned for residential use. This includes lands zoned primarily for commercial, industrial, agricultural, public, or mixed uses, even if those zones allow for the development of detached single-unit dwellings.

D. Relationship to Other Regulations

1. Conflicts. In the event of a conflict between this code and other standards applicable to development regulated by this code, the standards of this code control.

2. Middle Housing Land Divisions. Standards applicable to or measured relative to a lot or parcel or its lot lines—including floor area ratio, lot coverage, setbacks, outdoor area, and façade standards—apply to the lot or parcel on which the middle housing is developed before a middle housing land division and not to lots or parcels created by the middle housing land division.

3. Public Works Standards. Clear and objective exceptions to public works standards granted to detached single-unit dwellings shall also be granted to duplexes.

4. Protective Measures. Middle housing allowed under this code shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections). Nothing in this model code affects the applicability of a protective measure adopted pursuant to a statewide planning goal.

5. Nonconforming Situations. Existing residential development shall not be deemed nonconforming solely on the basis that it does not conform to the standards of this model code.

E. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single-unit dwellings. Duplexes are subject to the same approval process as that for detached single-unit dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. The approval process must comply with the applicable requirements of ORS 197A.400(5) and (6), including limitations on notice, public hearings, and appeals. Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197A.400(3), if such a process is available.

F. Retention of Existing Units with a Duplex

1. Applicability. This section applies to jurisdictions subject to ORS 197A.420(3), except it is not required for urban unincorporated land outside Metro.

2. Standards.

    a. Development of a duplex is allowed on a lot with up to two existing dwelling units, which may be retained on the lot along with the new units. The retained units may consist of:

        i. One detached single-unit dwelling;

        ii. One detached single-unit dwelling plus one accessory dwelling unit; or

        iii. One duplex.

    b. In order to qualify for the allowances in subsection (2)(a) of this section (F), the retained units must have been completed prior to 2020 or have received a certificate of occupancy or temporary certificate of occupancy for at least 5 years prior to the proposal for a new duplex.

    c. The retained units do not count toward the maximum number of units allowed on a lot or in determining the housing type of the new middle housing development.

d. The retained units may be nonconforming with respect to the applicable siting and design standards in this model code or in the jurisdiction's local housing regulations. In other words, only the new units, and not the retained units, are required to comply with the applicable regulations.

e. Retained units on the lot may be separated from the new units by a middle housing land division, pursuant to ORS 92.031.

G. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single-unit dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single-unit dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.

2. Unit Configuration.

   a. Duplex units may be attached to each other.

   b. Duplex units may be detached where:

      i. The units are sited on a lot with retained units under Section F; or

      ii. No more than one detached unit on the lot exceeds 1,200 square feet in floor area.

3. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet, except for those minimum setbacks applicable to garages and carports.

4. Off-Street Parking. Any off-street parking requirement.

H. Design Standards

1. Applicability.

   a. New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single-unit dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

   b. Any design standards that do not apply to a detached single-unit dwelling but otherwise apply to duplexes are invalid.

2. Conversions and Additions. Design standards do not apply to a duplex created through the conversion of space within an existing detached single-unit dwelling or construction of an attached addition to an existing detached single-unit dwelling, as provided in Section I.

I. Duplex Conversions

1. An existing detached single-unit dwelling may be converted to a duplex through one or more of the following:

    a. Conversion of interior space;

    b. Construction of an attached addition; or

    c. Construction of a second detached dwelling unit on the same lot or parcel.

2. Development described in subsection (1) of this section (I) is allowed, pursuant to Section C (Applicability), provided that the development does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the development code.

3. For purposes of this section (I), the existing dwelling is one of the units in the resulting duplex and is not a retained unit under Section F.

4. Development that retains an existing dwelling in addition to units that independently constitute a newly developed duplex is not a duplex conversion under this section and is subject to Section F, including the eligibility requirements in subsection (F)(2).

J. Accessible or Affordable Bonus Units

1. Purpose. The purpose of this section is to implement ORS 197A.421 by allowing bonus units when a duplex development includes at least one accessible unit or affordable unit. This section establishes clear and objective standards providing development capacity for the bonus units.

2. Definitions. In addition to the definitions in Section B, the following definitions shall apply to this section (J).

    a. "Accessible unit" means a dwelling unit that complies with the "Type A" requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.

    b. "Affordable unit" means a dwelling unit that is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that:

        i. Makes the unit available to purchase for a maximum sales price and requires that the unit be purchased by a household with an income below 120 percent of median income, with both the maximum price and income threshold as published per region on an

annual basis by the division of the Oregon Department of Administrative Services that serves as office of economic analysis; and

ii. Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.

c. "Bonus unit" means an additional dwelling unit allowed under ORS 197A.421 and this section (J).

3. Applicability.

a. This section applies to jurisdictions subject to ORS 197A.420(3), except that it is not required for urban unincorporated land outside Metro.

b. To qualify for a bonus unit under this section, a duplex development must include at least one accessible unit or affordable unit.

4. Number and Configuration of Bonus Units.

a. A duplex development that includes one or more affordable units or accessible units shall be granted one bonus unit.

b. The applicant may determine the configuration and arrangement of the dwelling units, subject to the clear and objective standards applicable under this section (J).

5. Applicable Development and Design Standards.

a. Design Standards. A duplex development with a bonus unit (i.e., a triplex) shall remain subject to the clear and objective design standards applicable to duplexes under Section H or the jurisdiction's compliant locally adopted duplex design standards.

b. Development Standards.

i. If the jurisdiction has adopted clear and objective development standards applicable to triplexes that comply with ORS 197A.420 and OAR chapter 660, division 46, a duplex development with a bonus unit is subject to those standards, as limited by subsection (7) of this section (J).

ii. If the jurisdiction has not adopted compliant development standards applicable to triplexes, a duplex development with a bonus unit is subject to the model code development standards in subsection (6).

6. Model Code Development Standards for a Duplex with a Bonus Unit.

a. Applicability. A duplex development with a bonus unit shall meet:

i. The standards in subsections (6)(c) through (6)(h) of this section (J); and

ii. All other clear and objective development standards that apply to detached single-unit dwellings in the same zone, except for standards identified as invalid in subsection (6)(b) of this section (J) or standards that otherwise conflict with this section.

b. Invalid Standards. The following standards are invalid and do not apply to a duplex development with a bonus unit:

i. Maximum lot coverage (i.e., building lot coverage or impervious surface coverage), minimum landscape area, or minimum open-space standards; and

ii. The jurisdiction's development standards—other than those in subsections (6)(c) through (6)(h)—that do not apply to detached single-unit dwellings but otherwise apply to triplexes or multi-unit development.

c. Unit Configuration.

i. The dwelling units may be attached to each other.

ii. The dwelling units may be detached where:

(A) The units are sited on a lot with retained units under Section F; or

(B) No more than one detached unit on the lot exceeds 1,200 square feet in floor area.

d. Maximum Density. The jurisdiction's pre-existing maximum-density standards do not apply.

e. Setbacks. Minimum front and street-side setbacks greater than 10 feet and minimum rear setbacks greater than 10 feet are invalid, except for those minimum setbacks applicable to garages and carports.

f. Building Height. A maximum height of less than 35 feet or less than three (3) stories is invalid. Building height is measured in accordance with the development code.

g. Maximum Floor Area Ratio. The maximum floor area ratio for all buildings onsite, cumulatively, is based on the minimum lot size for a detached single-unit dwelling in the same zone, as provided in Table J-1. Floor area attributable to retained units allowed under Section F is excluded from this calculation.

Table J-1. Maximum Floor Area Ratio

Minimum Lot Size for Detached Single-unit Dwellings	Maximum FAR
3,000 sf or less	1.4 to 1
More than 3,000 sf, up to and including 5,000 sf	1.1 to 1
More than 5,000 sf, up to and including 10,000 sf	0.7 to 1
More than 10,000 sf but less than 20,000 sf	0.6 to 1
20,000 sf or more	0.4 to 1

h. Off-Street Parking. No minimum number of off-street parking spaces is required.

7. Limitation on Adopted Development Standards. A jurisdiction may apply its existing development standards applicable to a triplex, subject to the limitations in this subsection (7).

   a. Development Allowance.

      The development allowance described in subsections (7)(a)(i) through (iii) of this section (J) establishes a clear and objective basis to evaluate whether a development standard would preclude a duplex from developing the bonus unit that was granted. It does not mean that every site will have sufficient area to enable the development allowance.

      The development allowance does not establish a minimum floor area, footprint or height for an individual dwelling unit or require the applicant to use all of the allowance. The applicant is not required to use all development capacity permitted by this subsection (7).

      i. Floor Area Allowance. The floor area allowance for a duplex development with a bonus unit (i.e., a triplex) is 3,600 square feet (i.e., 1,200 square feet multiplied by the three units).

      ii. Building Footprint Allowance. The building footprint allowance is 1,800 square feet (i.e., the floor area allowance divided by two stories).

      iii. Building Height Allowance. The building height allowance is 35 feet or three stories, whichever is greater.

   b. Standards Subject to the Limitation. If a standard would preclude the development from achieving the development allowance described in subsection (7)(a), the standard shall be modified to the extent specified in this subsection (7)(b). The limitations in this subsection only apply to standards regulating the same subject. All other applicable clear and objective standards continue to apply. In addition, this subsection establishes limitations on the regulation of density and parking.

      i. Standards regulating floor area and floor area ratios must permit development of the floor area allowance in subsection (7)(a)(i) of this section (J).

      ii. Standards regulating maximum building coverage, maximum building footprint, and minimum landscaping, open-space, or yard-area standards must permit development of the building footprint allowance in subsection (7)(a)(ii) of this section (J).

      iii. Standards must permit development of the building footprint allowance in subsection (7)(a)(ii) of this section (J) within the “area available for buildings” as provided below. For purposes of this subsection, “area available for buildings” means the contiguous area enclosed by the applicable minimum setback lines, excluding any area in which buildings are prohibited by a protective measure adopted pursuant to a statewide planning goal. If the area available for buildings within the otherwise applicable setbacks is less than the building footprint allowance:

(A) One or more setbacks may be reduced until the area available for buildings equals the building footprint allowance;

(B) A setback may not be reduced below five (5) feet from a front, side, or rear lot line, unless otherwise permitted by the local development standards, except that a rear setback abutting an alley may be reduced to zero; and

(C) Setbacks applicable specifically to garage or carport entrances, or driveway length standards, continue to apply.

iv. Standards regulating building height must permit development of the building height allowance in subsection (7)(a)(iii) of this section (J).

v. Standards regulating maximum density, minimum lot area per dwelling unit, or maximum number of units may not reduce the number of dwelling units allowed by subsection (4) of this section (J).

vi. No additional off-street parking space is required for a bonus unit. Nothing in this subsection prohibits an applicant from voluntarily providing parking for a bonus unit.

K. Figures

The following figures illustrate examples of possible duplex configurations. Other configurations may also be acceptable, provided the development meets the definition of duplex, pursuant to Section B.

Figure 3. Stacked Duplex

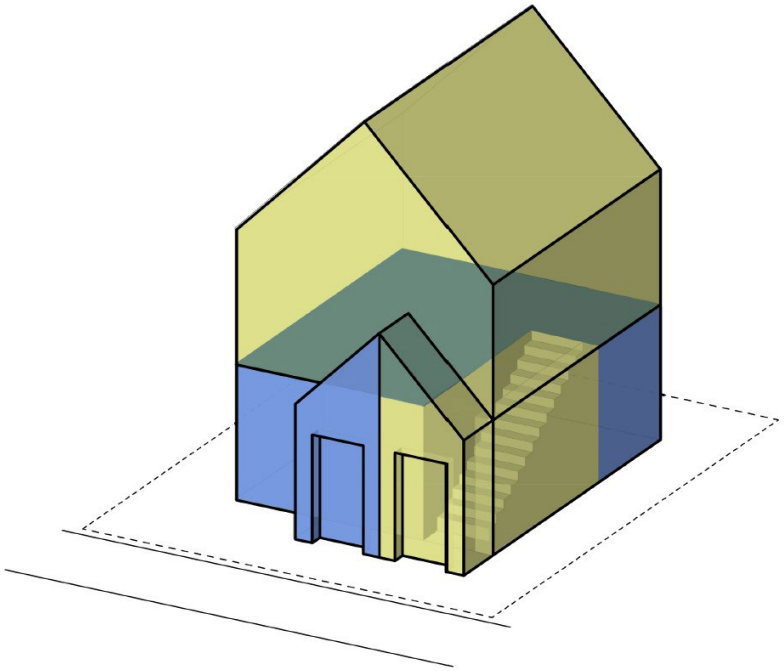


Figure 4. Side-by-Side Duplex

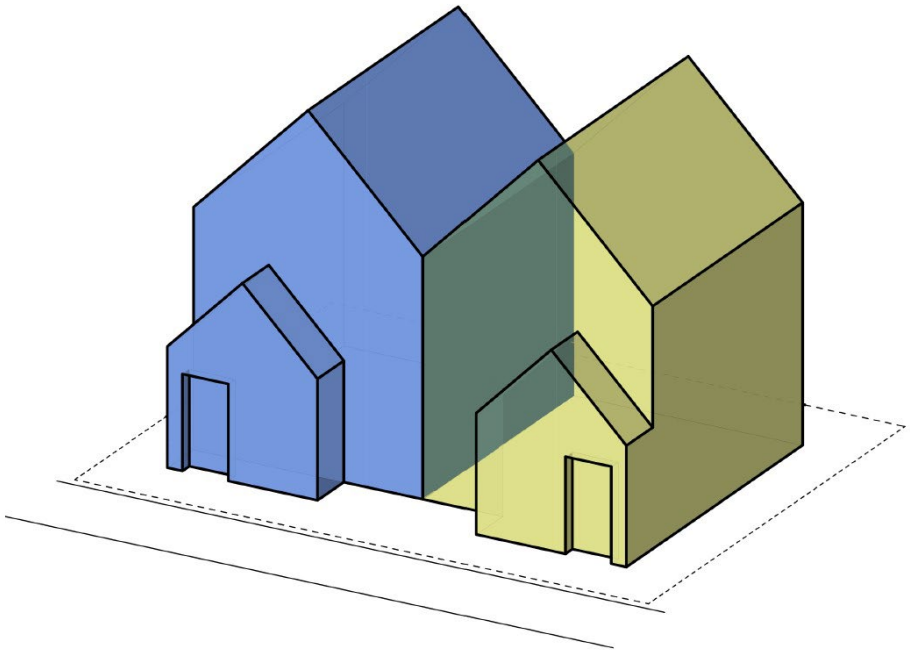


Figure 5. Duplex Attached by Garage Wall

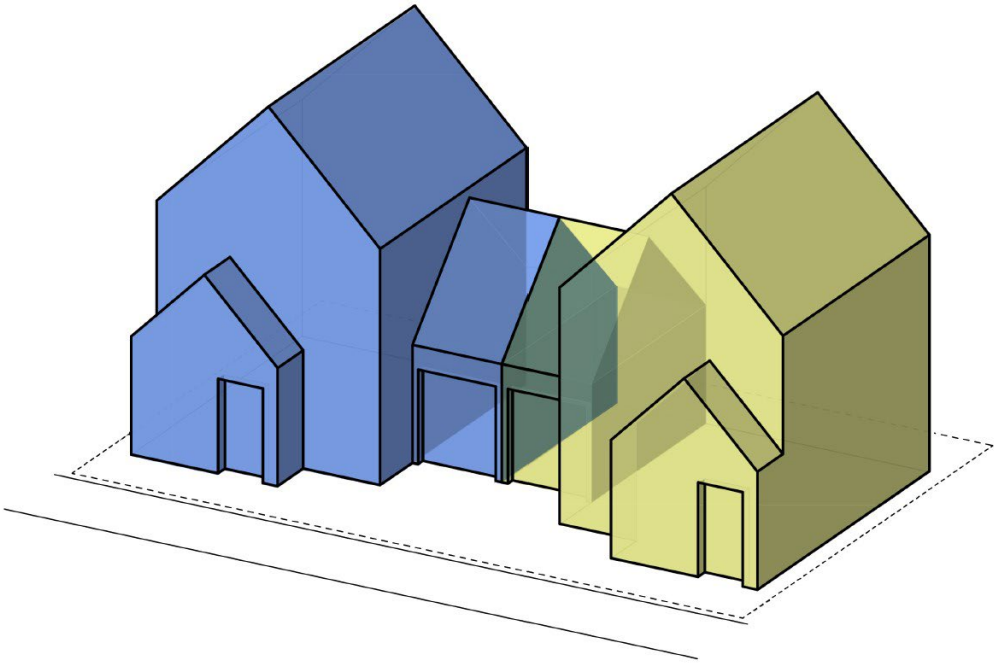


Figure 6. Duplex Attached by Breezeway

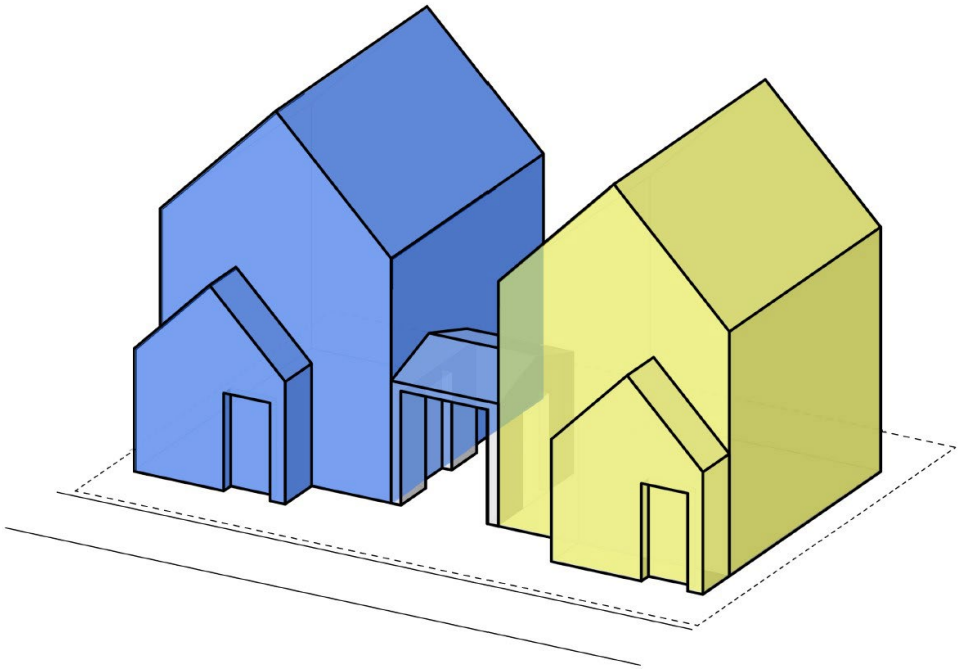


Figure 7. Detached Duplex Units Side-by-Side

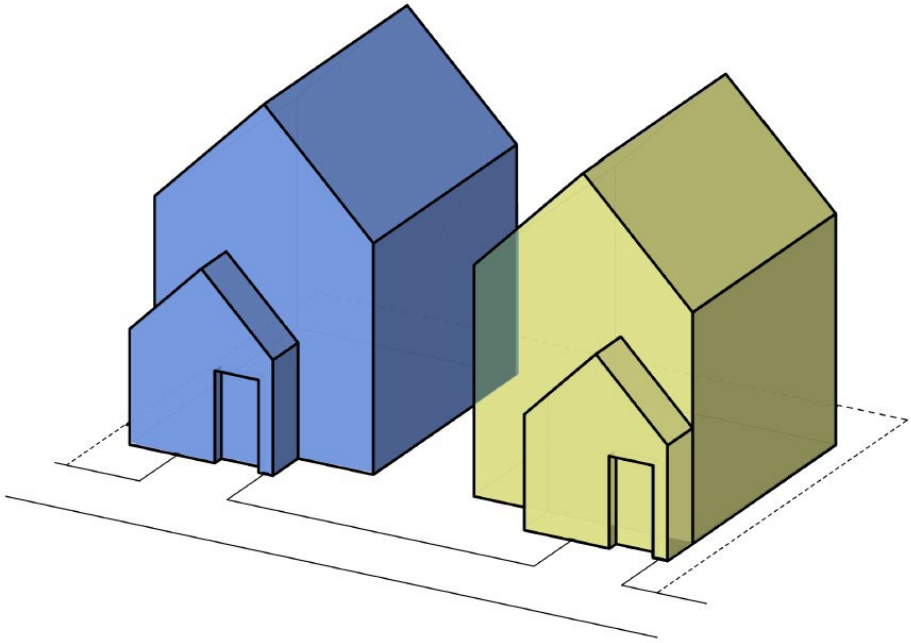
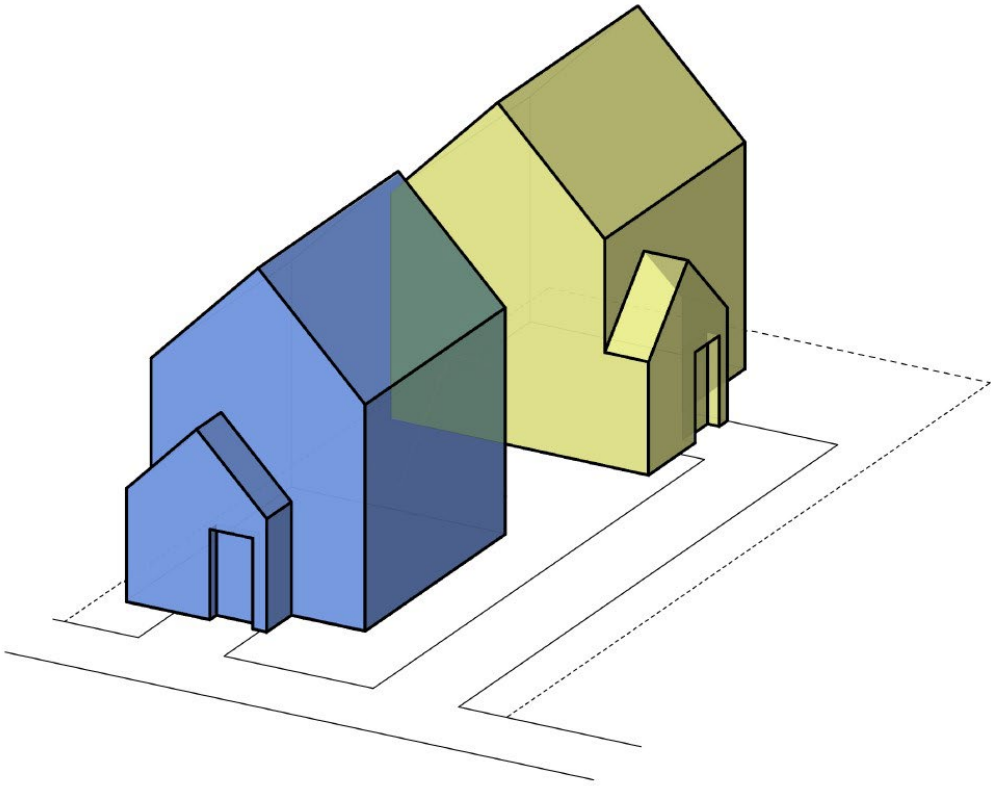


Figure 8. Detached Duplex Units Front and Back



Oregon Administrative Rule
Chapter 660, Division 046, Rule 0010

Exhibit B

Large Cities Middle Housing Model Code

Large Cities Middle Housing Model Code

User's Guide:

Oregon Revised Statutes (ORS) 197A.420 establishes middle housing requirements for certain jurisdictions, hereafter referred to as "Large Cities." As defined in OAR 660-046-0020(8):

"Large City" means a city with a certified Portland State University Population Research Center estimated population of 25,000 or more, or a city with a population over 1,000 within Metro. A Large City includes:

(a) Regardless of size, any city within Tillamook County and the communities of Barview/Twin Rocks/Watseco, Cloverdale, Hebo, Neahkahnie, Neskowin, Netarts, Oceanside and Pacific City/Woods; and

(b) Urban unincorporated lands as defined in ORS 197A.015(12) of a county.

Large Cities must allow the development of all middle housing types on each lot or parcel "zoned for residential use" (as defined in ORS 197A.420(1)(j)). Middle housing, which ORS 197A.420 defines as duplexes, triplexes, quadplexes, cottage clusters, and townhouses, provides an opportunity to increase housing supply in developed neighborhoods and can blend in well with detached single-unit dwellings.

ORS 197A.420 allows local governments to regulate siting and design of middle housing, provided that the regulations do not, individually or cumulatively, discourage middle housing development through unreasonable costs or delay. When regulating siting and design of middle housing, Large Cities should balance concerns about neighborhood compatibility and other factors against the need to address Oregon's housing shortage by removing barriers to development and should ensure that any siting and design regulations do not, individually or cumulatively, discourage the development of middle housing through unreasonable costs or delay.

This model code also includes Chapter 2 to implement requirements to allow retention of existing dwelling units with middle housing (ORS 197A.420(4)) and Chapter 7 to implement requirements to allow additional units for middle housing that includes one or more accessible or affordable units as required by ORS 197A.421. These chapters apply to all Large Cities except urban unincorporated lands outside of Metro.

Large Cities may develop their own standards in compliance with the requirements of ORS 197A.420 and 197A.421. This model code may provide guidance toward that end. However, if Large Cities do not wish to prepare their own standards or if Large Cities do not adopt the required code amendments by the applicable deadline, they must directly apply this model code prepared by the Department of Land Conservation and Development (DCLD) to development in their jurisdictions. The model code is intended

to be straightforward and implementable by Large Cities throughout the state, and is consistent with the requirements and intent of ORS 197A.420 and 197A.421. The model code is adopted by reference into Oregon Administrative Rules (OAR 660-046-0010(4)).

This model code is organized into modules, as identified in Table 1-1 in Chapter 1, Section C. Pursuant to OAR 660-046-0040, a Large City that has adopted compliant land use regulations for some, but not all, applicable requirements of ORS 197A.420, ORS 197A.421, and OAR chapter 660, division 46 must apply the applicable model code module to a middle housing application for any component not addressed by compliant local regulations. A Large City may continue to apply its acknowledged land use regulations to components for which those regulations comply with applicable statutes and rules.

To the extent they are applicable, ORS 197A.420, ORS 197A.421, and the Administrative Rules contained in chapter 660, division 46 apply to and may be used to interpret this model code. Note, this model code does not include provisions implementing ORS 92.031 for middle housing land divisions. However, separate middle housing land division modules are included in the Housing Model Codes adopted under OAR 660-008-0410 and contained in Attachment C to that rule.

Chapter 1. Combined Standards for All Middle Housing

Sections:

- **A. Purpose**
- **B. Definitions**
- **C. Applicability**
- **D. Relationship to Other Regulations**
- **E. Duplex, Triplex, and Quadplex Examples**

A. Purpose

The purpose of this middle housing model code ("code") is to implement ORS 197A.420 and 197A.421, by providing siting and design standards for middle housing developed lots or parcels zoned for residential use.

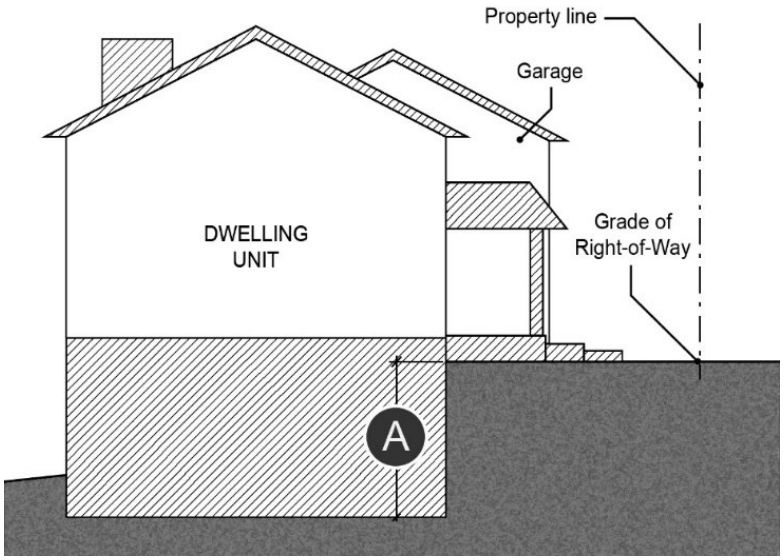
B. Definitions

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. "Accessory Dwelling Unit" – see "Housing Type."
2. "Accessible walkway" means a walkway designed and built according to the Americans with Disabilities Act (ADA) standards to ensure it is usable by people with disabilities, particularly those who use mobility devices.
3. "Building footprint" means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and attached garages. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access. For attached housing, building footprint is measured for each dwelling unit separately, and is measured to the center of any common walls.
4. "Common courtyard" means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
5. "Common wall" means a wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.
6. "Cottage" means an individual dwelling unit that is part of a cottage cluster.
7. "Cottage cluster" – see "Housing Type."

8. “Cottage cluster project” means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.
9. “Detached single-unit dwelling” – see “Housing Type.”
10. “Door area” is the area of the portion of a door other than a garage door that moves and does not include the frame.
11. “Driveway approach” means the edge of a driveway where it abuts a public right-of-way.
12. “Duplex” – see “Housing Type.”
13. “Dwelling unit” means a building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. “Dwelling unit” and “unit” are used interchangeably throughout this model code.
14. “Façade” means the vertical wall face of a building, or the sum of multiple vertical faces, facing the same lot line. For a middle housing development divided pursuant to ORS 92.031, façade orientation is determined in relation to the boundaries of the parent lot, not child lots created by the middle housing land division.
15. “Floor area” means the total area of all floors of a building. Floor area is measured for each floor from the exterior faces of a building or structure. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. Floor area does not include the following (see Figure 1):
    - Areas where the elevation of the floor is 4 feet or more below the adjacent right-of-way;
    - Basements. For the purposes of the floor area calculation, basement area includes the portion of a building that is partly or completely below grade. A minimum of 50 percent of the total combined area of the basement walls must be below grade to be considered a basement;
    - Roof area, including roof top parking;
    - Areas where the ceiling height is less than 6 feet 8 inches;
    - Covered carports;
    - Stairwells beyond the first level (stairwells are only counted as floor area on one level);
    - Roof top mechanical equipment; and
    - Roofed outdoor living areas that are structurally attached to the building (e.g., porches and exterior balconies), unless they are enclosed by walls that are more than 42 inches in height for 75 percent or more of their perimeter.

Figure 1. Areas Excluded from Floor Area Calculation

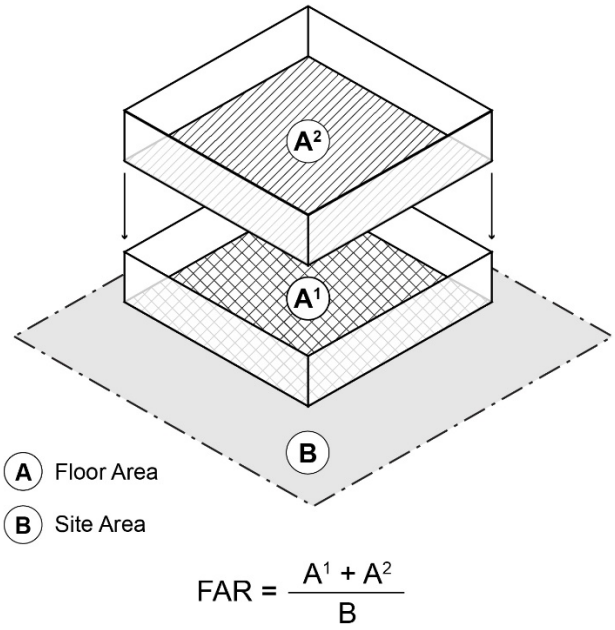


Area excluded from floor area calculation

A — Floor 4 feet or more below grade of right-of-way, measured at property line

16. "Floor area ratio (FAR)" means the amount of floor area of a building or structure in relation to the amount of site area, expressed in square feet. FAR is expressed as a ratio of X to I, where X represents the total building floor area permitted for each square foot of site area. For example, an FAR of 0.7 to 1 means 0.7 square feet of floor area for every one square foot of site area. FAR is calculated by dividing the total floor area of all buildings on a site by the total site area (See Figure 2).

Figure 2. Floor Area Ratio (FAR) Calculation



17. "Frontage" means the portion of a lot or parcel that abuts a street.

18. "Goal Protected Lands" means lands protected or designated pursuant to any one of the following statewide planning goals:

    - Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;
    - Goal 6 Air, Water, and Land Resource Quality
    - Goal 7 Areas Subject to Natural Hazards;
    - Goal 9 Economic Development;
    - Goal 15 Willamette River Greenway;
    - Goal 16 Estuarine Resources;
    - Goal 17 Coastal Shorelands; or
    - Goal 18 Beaches and Dunes.

19. "Hard surfaced," in the context of accessible walkways, means built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.

20. "Housing type" means one of the housing types listed below. Each housing type may be constructed on- or off-site, including as manufactured homes or prefabricated structures. If a development can meet the definition of more than one housing type (e.g., could be developed

as a duplex or a detached single-unit dwelling with an ADU), the applicant shall specify the housing type on the development application.

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

b. "Cottage cluster" means a grouping of dwelling units that:

   i. Are attached in subgroupings of up to four units or detached in any configuration;

   ii. Have a common courtyard; and

   iii. Have an average floor area of up to 1,400 square feet;

      (A) To be calculated excluding porches, carports, and garages; and

      (B) Nothing in this subsection prohibits a local government from regulating renovations, remodels, additions, or nonconforming uses after development occurs.

c. "Detached single-unit dwelling" means a detached structure on a lot or parcel that is comprised of a single dwelling unit.

d. "Duplex" means two attached or detached dwelling units on a lot or parcel in any configuration, other than a lot or parcel created by a middle housing land division. See Figure 3 through Figure 8 in Section E for examples of possible duplex configurations.

e. "Middle housing" means housing that consists of duplexes, triplexes, quadplexes, cottage clusters, and townhouses. "Middle housing" includes retained units authorized by Chapter 2 and bonus units authorized by Chapter 7 of this code.

f. "Quadplex" means four attached or detached dwelling units on a lot or parcel in any configuration, other than a lot or parcel created by a middle housing land division. A quadplex may also include retained units authorized by Chapter 2 and up to two bonus units authorized by Chapter 7. A quadplex that includes retained or bonus units remains a quadplex. See Figure 11 and Figure 12 in Section E for examples of possible quadplex configurations.

g. "Townhouse" means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit. A townhouse is also commonly called a "rowhouse," "attached house," "townhome," or "common-wall house."

h. "Triplex" means three attached or detached dwelling units on a lot or parcel in any configuration, other than a lot or parcel created by a middle housing land division. See Figure 9 and Figure 10 in Section E for examples of possible triplex configurations.

21. "Local street" means a street designated as a local street in a city's adopted Transportation System Plan, in the applicable functional classification map, or in the city's public works or

engineering standards. Where street classifications have not been established, "local street" means a street that serves primarily local access to property and circulation within neighborhoods or specific areas.

22. "Lot" or "lot or parcel" means any lawfully established unit of land, as defined in ORS 92.010. "Lot" may also be used generically to refer to units of land created through partitions.

23. "Main entrance" means the ground floor (or first floor) exterior pedestrian door through which residents and visitors enter a residential building or dwelling unit. For buildings where access to some or all dwelling units is via shared hallways, a main entrance is one that enters the lobby or common circulation space. A building may have more than one main entrance meeting these criteria. For buildings in which all units have individual exterior entrances, each entrance to a dwelling unit is considered a main entrance.

24. "Middle housing" – see "Housing type."

25. "Middle housing land division" means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A.420 (2) or (3) or ORS 197A.421.

    a. "Parent Lot" in relation to a middle housing land division means a lot or parcel which is developed or is proposed to be developed with a middle housing development.
    b. "Child Lot" in relation to a middle housing land division means the unit(s) of land created from a parent lot as the result of a middle housing land division.

26. "Quadplex" – see "Housing type."

27. "Site area" means the total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way or designation of private rights-of-way.

28. "Standard land division" means a subdivision or partition other than a Middle housing land division.

29. "Story" means a portion of a building between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, the space between such floor and the ceiling next above it, provided that the following shall not be deemed a story:

    - A basement or cellar if the height from finished grade at the exterior perimeter of the building to the finish floor elevation above is six (6) feet or less for at least 50 percent of the perimeter and does not exceed twelve (12) feet above grade at any point;

    - An attic or similar space under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two (2) feet above the floor of such space.

30. "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:
    - Connection to a public sewer system capable of meeting established service levels.

- Connection to a public water system capable of meeting established service levels.
- Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- Storm drainage facilities capable of meeting established service levels for storm drainage.

31. "Townhouse" – see "Housing type."
32. "Townhouse project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.
33. "Townhouse structure" means a contiguous grouping of two or more attached townhouse units that share common walls.
34. "Triplex" – see "Housing type."
35. "Urban unincorporated lands" means lands within an urban growth boundary that are identified by the county as:
    a. Not within a city;
    b. Zoned for urban development;
    c. Within the boundaries of a sanitary district or sanitary authority formed under ORS chapter 450 or a district formed for the purposes of sewage works under ORS chapter 451;
    d. Within the service boundaries of a water provider with a water system subject to regulation as described in ORS 448.119; and
    e. Not zoned with a designation that maintains the land's potential for future urbanization.
36. "Window area" means the aggregate area of the glass within each window, including any interior grids, mullions, or transoms.
37. "Zoned for residential use" means land that:
    a. Is within an urban growth boundary;
    b. Has base zoning for, or is designated to allow, residential uses;
    c. Allows the development of a detached single-unit dwelling;
    d. Is not zoned primarily for commercial, industrial, agricultural or public uses; and
    e. Is incorporated or urban unincorporated land.

C. Applicability

1. Applicability of Model Code Modules. A Large City may apply this model code in its entirety or apply one or more individual modules to the extent necessary to comply with applicable middle housing requirements. When applying an individual module:

    a. Chapter 1, Sections A (Purpose), B (Definitions), C (Applicability), and D (Relationship to Other Regulations) apply to all modules.

    b. The applicable locally adopted standards continue to apply to matters not governed by the selected module, provided those standards comply with ORS 197A.420, ORS 197A.421, and OAR chapter 660, division 46.

    c. The modules and related code sections are identified in Table 1-1.

Table 1-1. Large Cities Middle Housing Model Code Modules

Module	Model Code chapter or section	Related code sections
Duplex	Chapter 3	Chapter 1; Chapters 2 and 7, when applicable
Triplex and Quadplex	Chapter 4, as applicable to triplexes	Chapter 1; Chapters 2 and 7, when applicable
Townhouse	Chapter 5	Chapter 1; Chapters 2 and 7, when applicable
Cottage cluster	Chapter 6	Chapter 1; Chapters 2 and 7, when applicable
Retention of existing units with middle housing	Chapter 2	Chapter 1 and the locally adopted or model-code standards applicable to the proposed middle housing type
Accessible or affordable middle housing bonus units	Chapter 7	Chapter 1 and the locally adopted or model-code standards applicable to the underlying middle housing type

2. Applicability of Code Sections.

    a. Code sections applicable to all middle housing types are: Chapter 1, Sections A (Purpose), B (Definitions), C (Applicability), and D (Relationship to Other Regulations); and, except as provided in subsection (c) of this section (C)(2), Chapter 2 (Retention of Existing Units with Middle Housing) and Chapter 7 (Accessible or Affordable Middle Housing Bonus Units).

    b. Code standards applicable to specific housing types are listed below:

        - Duplexes: Chapter 3.
        - Triplexes: Chapter 4.
        - Quadplexes: Chapter 4.

- Townhouses: Chapter 5.
- Cottage clusters: Chapter 6.

c. Chapter 2 (Retention of Existing Units with Middle Housing) and Chapter 7 (Accessible or Affordable Middle Housing Bonus Units) are not required for urban unincorporated lands outside of Metro.

3. Applicability by Development Type and Location.

a. Except as specified in subsection (b) of this section (C)(3), the standards in this code allow for the following development on lots or parcels zoned for residential use:

- New duplexes and those created through conversion of existing detached single-unit dwellings.
- New triplexes, quadplexes, cottage clusters, and townhouses, and those created through conversion of existing detached single-unit dwellings or duplexes, on lots or parcels with Sufficient Infrastructure.

b. Exceptions. The standards in this code do not allow the following, unless otherwise permitted by the development code through clear and objective standards, criteria, and procedures:

- On Goal Protected Lands, the creation of triplexes, quadplexes, cottage clusters, or townhouses, or the creation of more than two dwelling units on a single lot or parcel, including accessory dwelling units.
- On lands that are not zoned for residential use, the creation of middle housing.

D. Relationship to Other Regulations

1. Conflicts. In the event of a conflict between this code and other local jurisdictional standards applicable to a middle housing development, the standards of this code control.

2. Middle Housing Land Divisions. Standards applicable to or measured in relation to a lot or parcel or its lot lines—including floor area ratio, lot coverage, setbacks, outdoor area, and façade standards—apply to the parent lot and not to child lots created by a middle housing land division.

3. Public Works Standards. Clear and objective exceptions to public works standards granted to detached single-unit dwellings shall also be granted to duplexes.

4. Protective Measures. Middle housing shall comply with protective measures (plans, policies, or regulations) adopted pursuant to statewide land use planning goals (e.g., environmental and natural hazard protections). Nothing in this model code affects the applicability of a protective measure adopted pursuant to a statewide planning goal.

5. Traffic Impact Regulations.

a. A local government may not, based on traffic impacts from any individual middle housing development allowed under this code:

   i. Require a traffic impact analysis; or

   ii. Attribute an exaction other than a generally applicable system development charge or fee-in-lieu charge or a development requirement specific to the lot or parcel or its frontage.

b. Subsection (4)(a) of this section (D) does not apply to a townhouse development or cottage cluster containing more than 12 dwelling units.

c. For purposes of Subsection (4)(a) of this section (D), an individual middle housing development consists of one duplex, triplex, quadplex, townhouse development, or cottage cluster. An individual middle housing development may include retained units authorized by Chapter 2 or bonus units authorized by Chapter 7.

6. Nonconforming Situations. Existing residential development shall not be deemed nonconforming solely on the basis that it does not conform to the standards of this model code.

E. Duplex, Triplex, and Quadplex Examples

The following figures illustrate examples of possible configurations for duplexes, triplexes, and quadplexes. Other configurations may also be acceptable, provided the development meets the definition of duplex, triplex, or quadplex, pursuant to Section B.

Figure 3. Stacked Duplex

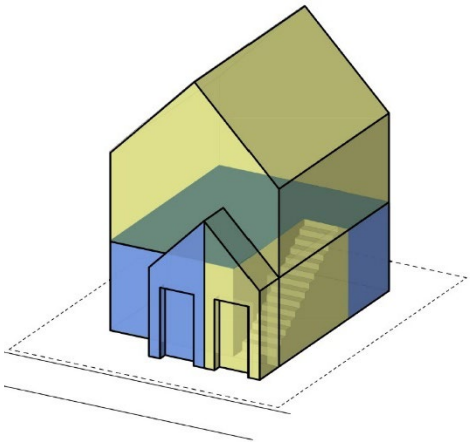


Figure 4. Side-by-Side Duplex

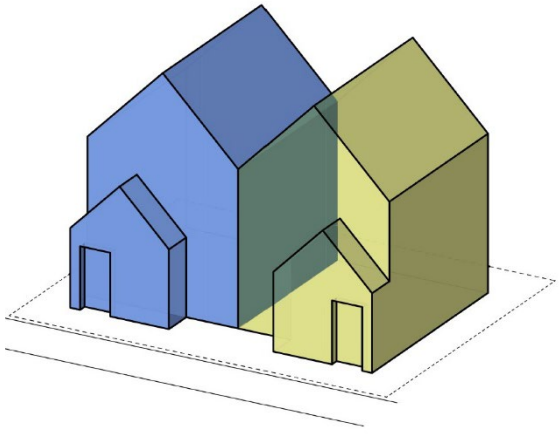


Figure 5. Duplex Attached by Breezeway

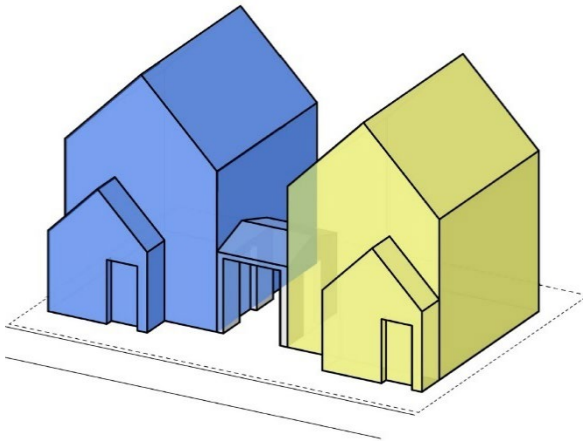


Figure 6. Duplex Attached by Garage Wall

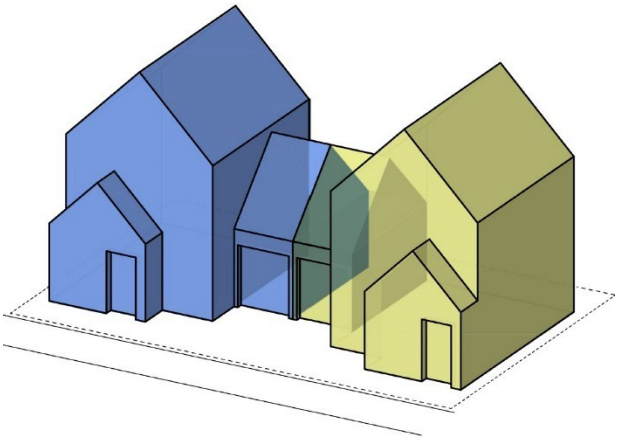


Figure 7. Detached Duplex Units Side-by-Side

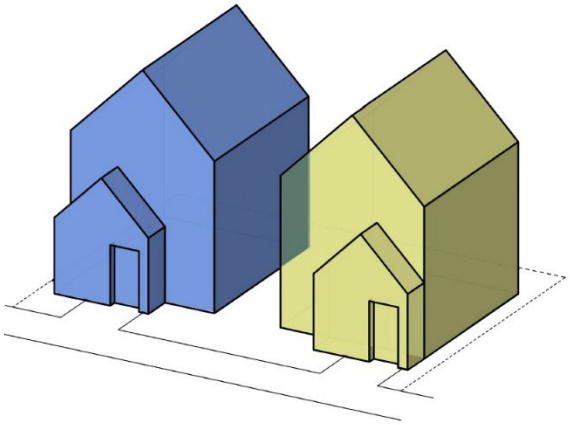


Figure 8. Detached Duplex Units Front and Back

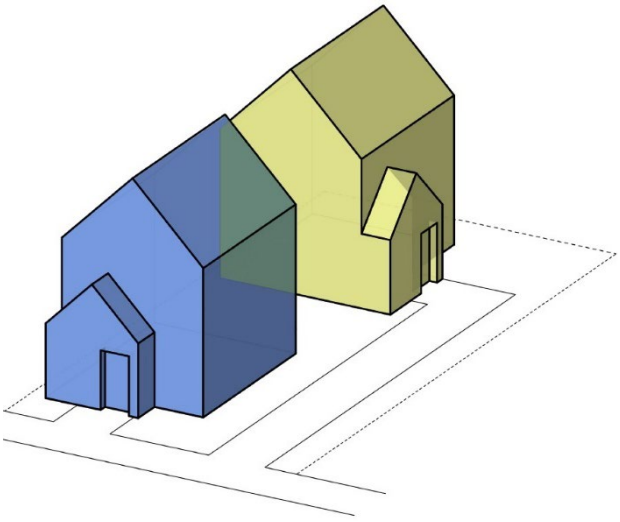


Figure 9. Attached Triplex Front and Back



Figure 10. Attached Triplex Side-by-Side

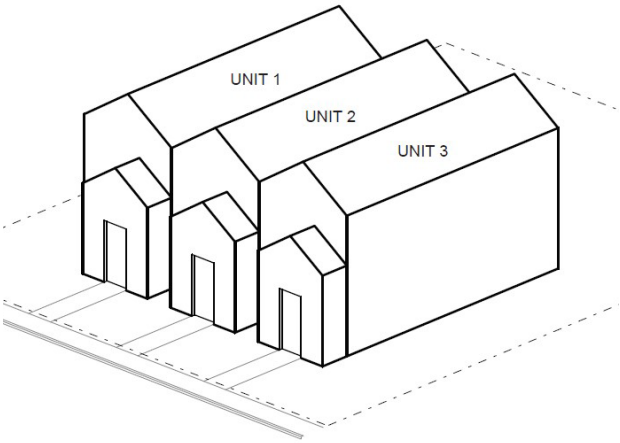


Figure 11. Stacked Quadplex

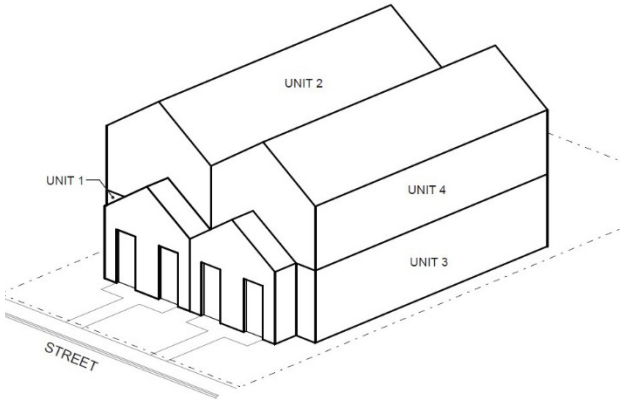
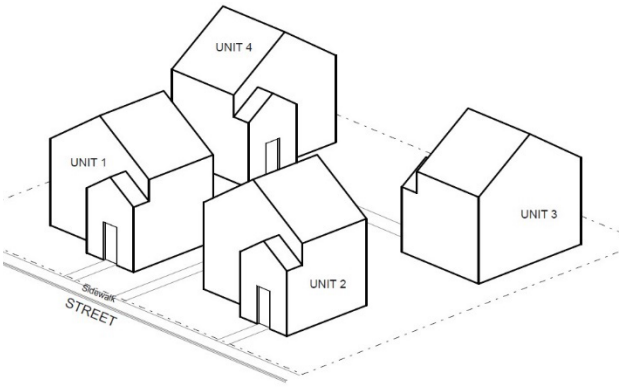


Figure 12. Detached Quadplex



Chapter 2. Retention of Existing Units with Middle Housing

Sections:

- **A. Applicability**
- **B. Standards**

A. Applicability

This chapter applies to jurisdictions subject to ORS 197A.420(2), except it is not required for urban unincorporated land outside Metro.

B. Standards

1. Development of middle housing is allowed on a lot with up to two existing dwelling units, which may be retained on the lot along with the new units. The retained units may consist of:
    a. One detached single-unit dwelling;
    b. One detached single-unit dwelling plus one accessory dwelling unit; or
    c. One duplex.
2. In order to qualify for the allowances in subsection (1) of this section (B), the retained units must have been completed prior to 2020 or have received a certificate of occupancy or temporary certificate of occupancy at least 5 years prior to the proposal for new middle housing units.
3. The retained units do not count toward the maximum number of units allowed on a lot or when determining the housing type of the proposed development. For example, a development that adds two dwelling units is a duplex even if one or more existing dwelling units are retained on the lot.
4. The retained units may be nonconforming with respect to the applicable siting and design standards in this model code or in the jurisdiction's local housing regulations. In other words, only the new units, and not the retained units, are required to comply with the applicable regulations.
5. Retained units on the lot may be separated from the new units by a middle housing land division under ORS 92.031.

Chapter 3. Duplexes

Sections:

- **A. Permitted Uses and Approval Process**
- **B. Development Standards**
- **C. Design Standards**
- **D. Duplex Conversions**

A. Permitted Uses and Approval Process

Duplexes are permitted outright on lots or parcels zoned for residential use that allow for the development of detached single-unit dwellings. Duplexes are subject to the same approval process as that for detached single-unit dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. The approval process must comply with the applicable requirements of ORS 197A.400(5) and (6), including limitations on notice, public hearings, and appeals. Alternatively, an applicant may choose to submit an application for a duplex subject to discretionary standards and criteria adopted in accordance with ORS 197A.400(3), if such a process is available.

B. Development Standards

Except as specified below, duplexes shall meet all clear and objective development standards that apply to detached single-unit dwellings in the same zone (including, but not limited to, minimum and maximum lot size, minimum and maximum setbacks, and building height), unless those standards conflict with this code.

The following development standards are invalid and do not apply to duplexes being developed on lots or parcels zoned for residential use that allow the development of a detached single-unit dwelling:

1. Maximum Density. The jurisdiction's pre-existing density maximums and minimum lot sizes for duplexes do not apply.
2. Unit Configuration.
    a. Duplex units may be attached to each other.
    b. Duplex units may be detached where:
        i. The units are sited on a lot with retained units under Chapter 2; or
        ii. No more than one detached unit on the lot exceeds 1,200 square feet in floor area.
3. Setbacks. A minimum front setback of greater than 20 feet or a minimum rear setback of greater than 15 feet, except for those minimum setbacks applicable to garages and carports.
4. Off-Street Parking. Any off-street parking requirement.

C. Design Standards

1. Applicability.
    a. New duplexes shall meet all clear and objective design standards (e.g., entry orientation, window coverage, articulation, etc.) that apply to detached single-unit dwellings in the same zone, unless those standards conflict with this code. Facades of dwellings that are separated from the street property line by another dwelling are exempt from meeting building design standards.

b. Any design standards that do not apply to a detached single-unit dwelling but otherwise apply to a duplex are invalid.

2. Conversions and Additions. Design standards do not apply to a duplex created through the conversion of space within an existing detached single-unit dwelling or construction of an attached addition to an existing detached single-unit dwelling, as provided in Section D.

D. Duplex Conversions

1. An existing detached single-unit dwelling may be converted to a duplex through one or more of the following:

   a. Conversion of interior space;

   b. Construction of an attached addition; or

   c. Construction of a second detached dwelling unit on the same lot or parcel.

2. Development described in subsection (1) of this section (D) is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the development does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the development code.

3. For purposes of this section (D), the existing dwelling is one of the units in the resulting duplex and is not a retained unit under Chapter 2.

4. Development that retains an existing dwelling in addition to units that independently constitute a newly developed duplex is not a duplex conversion under this section. If the existing dwelling qualifies as a retained unit under Chapter 2, the development is subject to Chapter 2, including the eligibility requirements in Chapter 2, Section B(2). Otherwise, the development may be reviewed as a triplex under Chapter 4.

Chapter 4. Triplexes and Quadplexes

Sections:

A. Permitted Uses and Approval Process
B. Development Standards
C. Design Standards
D. Triplex and Quadplex Conversions

A. Permitted Uses and Approval Process

1. Permitted Use. Triplexes and quadplexes are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).

2. Approval Process. Triplexes and quadplexes are subject to the same approval process as that for detached single-unit dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. The approval process must comply with the applicable requirements of ORS 197A.400(5) and (6), including limitations on notice, public hearings, and appeals. Alternatively, an applicant may choose to submit an application for a triplex or quadplex subject to discretionary standards and criteria adopted in accordance with ORS 197A.400(3), if such a process is available.

3. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a triplex or quadplex development application.

B. Development Standards

1. Applicability.

   a. Except as modified by Chapter 7 for a development containing bonus units, triplexes and quadplexes shall meet:

      - The standards in subsections (2) through (8) of this section (B).

      - All other clear and objective development standards that apply to detached single-unit dwellings in the same zone (including, but not limited to, lot size and dimensions, minimum and maximum setbacks, and building height), unless those standards conflict with this code and except as specified in subsections (1)(b) and (2) through (8) of this section (B).

   b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:

      - Maximum lot coverage (i.e., building lot coverage or impervious surface coverage), minimum landscape area, or minimum open space standards.

- The jurisdiction's development standards—other than those in subsections (2) through (8) of this section (B)—that do not apply to detached single-unit dwellings but otherwise apply to triplexes, quadplexes, or multi-unit development.

2. Number of Units. Except as provided by Chapter 2 and Chapter 7, this code does not allow for the creation of more than four (4) dwelling units on a lot, including accessory dwelling units.

3. Unit Configuration.

   a. Triplex or quadplex units may be attached to each other.

   b. Triplex or quadplex units may be detached where:

      i. The units are sited on a lot with retained units under Chapter 2; or

      ii. No more than one detached unit on the lot exceeds 1,200 square feet in floor area.

4. Maximum Density. The jurisdiction's pre-existing density maximums do not apply.

5. Setbacks. Minimum front and street side setbacks greater than 10 feet and minimum rear setbacks greater than 10 feet are invalid, except for those minimum setbacks applicable to garages and carports.

6. Building Height. A maximum height of less than 35 feet or less than three (3) stories is invalid. Building height is measured in accordance with the development code.

7. Maximum Floor Area Ratio (FAR). The maximum floor area ratio for all buildings onsite, cumulatively, is based on the minimum lot size for a detached single-unit dwelling in the same zone, as provided below:

Minimum Lot Size for Detached Single-unit Dwellings	Maximum FAR
3,000 sf or less	1.4 to 1
More than 3,000 sf, up to and including 5,000 sf	1.1 to 1
More than 5,000 sf, up to and including 10,000 sf	0.7 to 1
More than 10,000 sf but less than 20,000 sf	0.6 to 1
20,000 sf or more	0.4 to 1

8. Off-Street Parking.

   a. Required Off-Street Parking. The minimum number of required off-street parking spaces is:

      i. In zones with a minimum lot size of less than 5,000 square feet, one (1) off-street parking space per development.

      ii. In zones with a minimum lot size of 5,000 square feet or more, two (2) off-street parking spaces per development.

A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b). No additional parking spaces shall be required for conversion of a detached single-unit dwelling to a triplex or quadplex, including those created through the addition of detached units.

b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

   i. The space must be abutting the subject site;

   ii. The space must be in a location where on-street parking is allowed by the jurisdiction;

   iii. The space must be a minimum of 22 feet long; and

   iv. The space must not obstruct a required sight distance area.

C. Design Standards

1. Applicability.

   a. New triplexes and quadplexes, including those created by adding building square footage on a site occupied by an existing dwelling, shall meet:

      - The design standards in subsections (2) through (5) of this section (C); and
      - All other clear and objective design standards that apply to detached single-unit dwellings in the same zone, unless those standards conflict with this code and except as specified in subsection (1)(b) of this section (C).

   b. The following standards are invalid and do not apply to triplexes or quadplexes allowed by this code:

      - Mandates for construction of a garage or carport.
      - The jurisdiction's design standards other than those in subsections (2) through (5) of this section (C) that apply only to triplexes, quadplexes, or multi-unit development.

   c. Conversions and Additions. Design standards do not apply to a triplex or quadplex created through the conversion of space within an existing detached single-unit dwelling or construction of an attached addition to an existing detached single-unit dwelling, as provided in Section D.

2. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (a) and (b) below. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.

   a. The entrance must be no more than 8 feet farther from the front lot line than the structure's longest wall that faces the front lot line ; and

b. The entrance must either:

i. Face the street (see Figure 13);

ii. Be at an angle of up to 45 degrees from the street (see Figure 14);

iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 15); or

iv. Open onto a porch (see Figure 16). The porch must:

(A) Be at least 25 square feet in area; and

(B) Have at least one entrance facing the street or have a roof.

Figure 13. Main Entrance Facing the Street

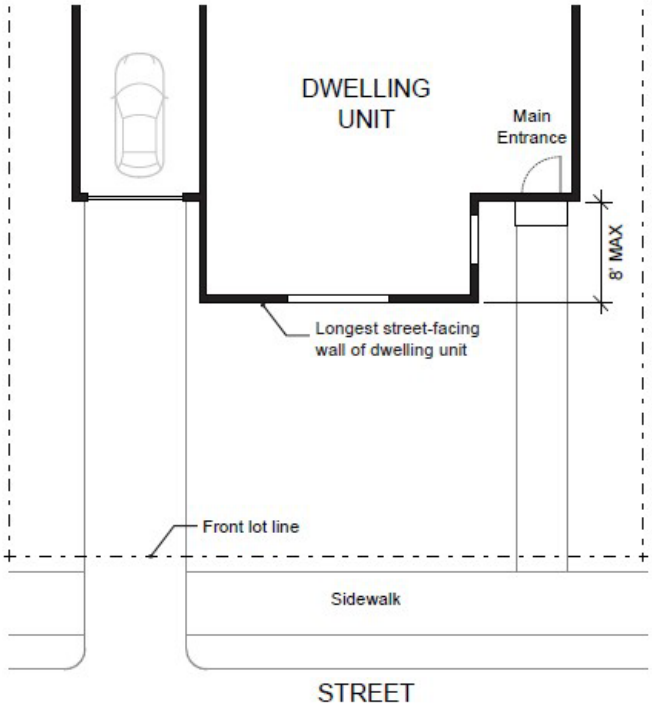


Figure 14. Main Entrance at 45° Angle from the Street

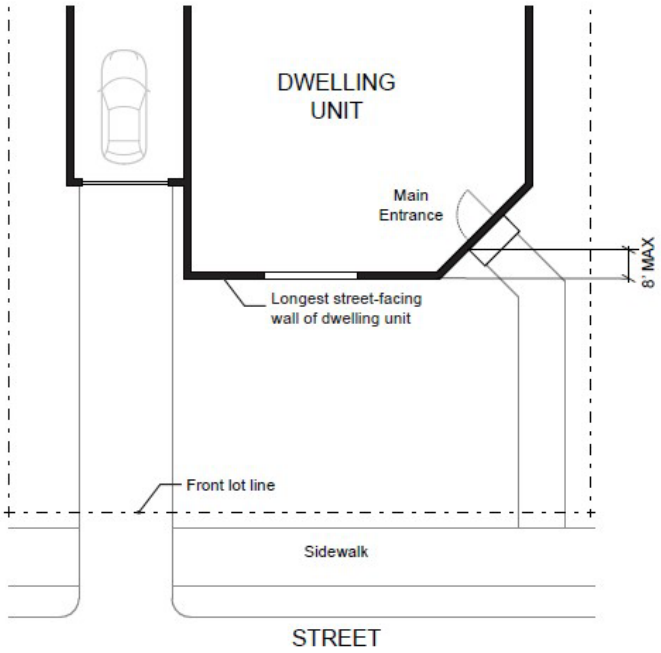


Figure 15. Main Entrance Facing Common Open Space

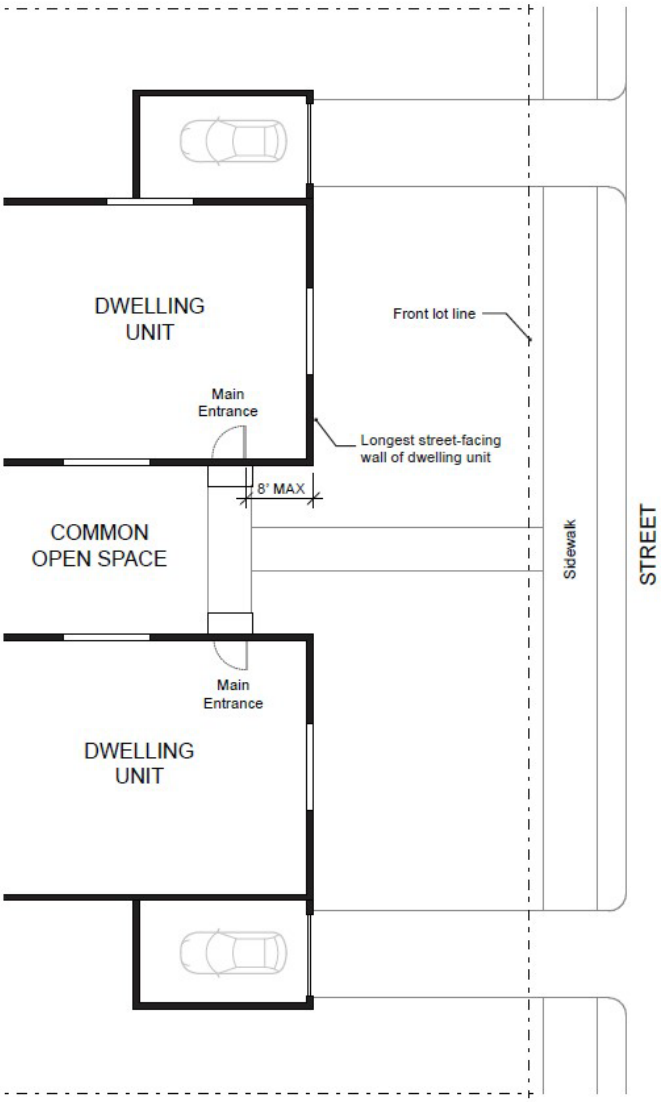
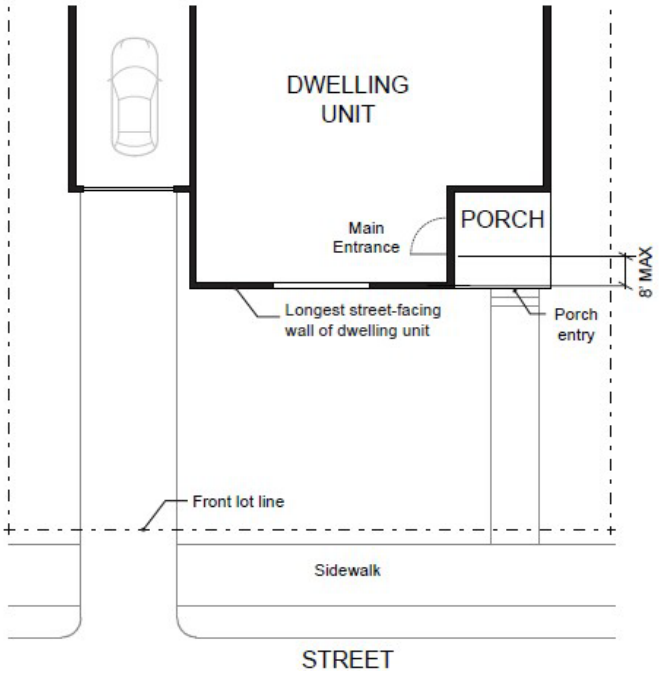


Figure 16. Main Entrance Opening onto a Porch



3. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 17.

Figure 17. Window Coverage

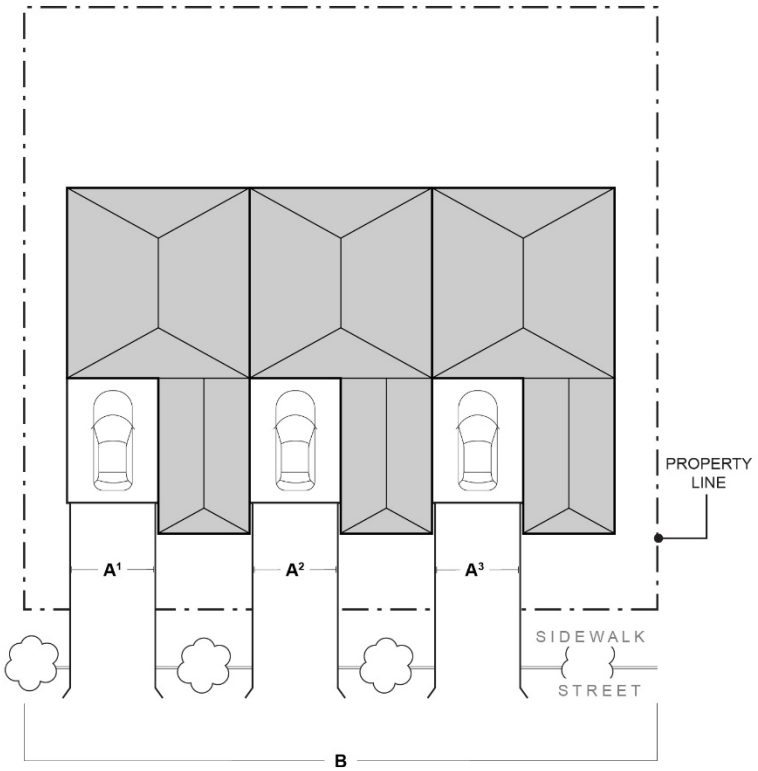


4. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (a) and (b) of this subsection (C)(4).

   a. The garage or off-street parking area is separated from the street property line by a dwelling; or

   b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see Figure 18).

Figure 18. Width of Garages and Parking Areas



(A) Garage and on-site parking and maneuvering areas

(B) Total street frontage

$$\frac{A^1 + A^2 + A^3}{B} \leq 50\%$$

5. Driveway Approach. Driveway approaches must comply with the following:

   a. The total width of all driveway approaches must not exceed 32 feet per frontage, as measured at the property line (see Figure 19 and Figure 20). For lots or parcels with more than one frontage, see subsection (5)(c) of this section (C).

b. Driveway approaches may be separated when located on a local street (see Figure 19). If approaches are separated, they must meet the jurisdiction's driveway spacing standards applicable to local streets.

c. In addition, lots or parcels with more than one frontage must comply with the following:

   i. Lots or parcels must access the street with the lowest transportation classification for vehicle traffic. For lots or parcels abutting an improved alley (defined as an alley that meets the jurisdiction's standards for width and pavement), access must be taken from the alley (see Figure 21).

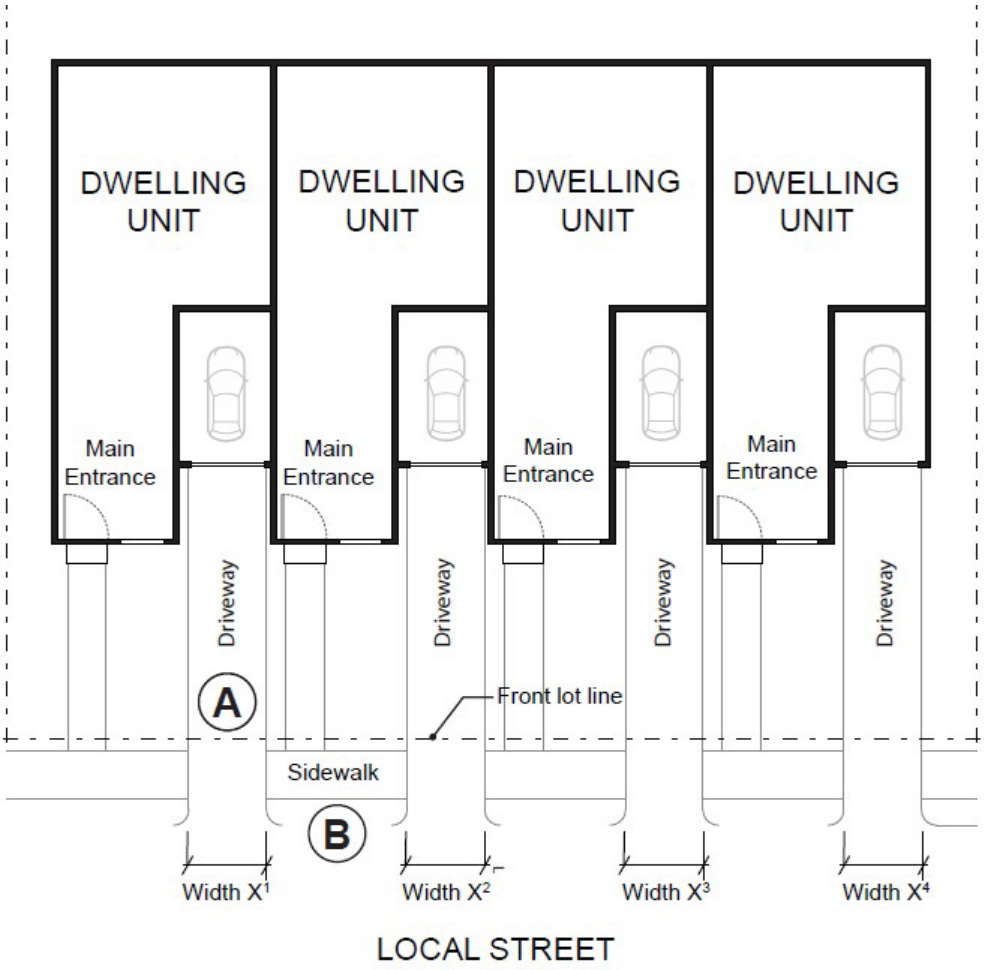
   ii. Lots or parcels with frontages only on collectors or arterial streets must meet the jurisdiction's access standards applicable to collectors or arterials.

   iii. Triplexes and quadplexes on lots or parcels with frontages only on local streets may have either:

      - Two driveway approaches not exceeding 32 feet in total width on one frontage (Figure 22); or

      - One maximum 16-foot-wide driveway approach per frontage (see Figure 23).

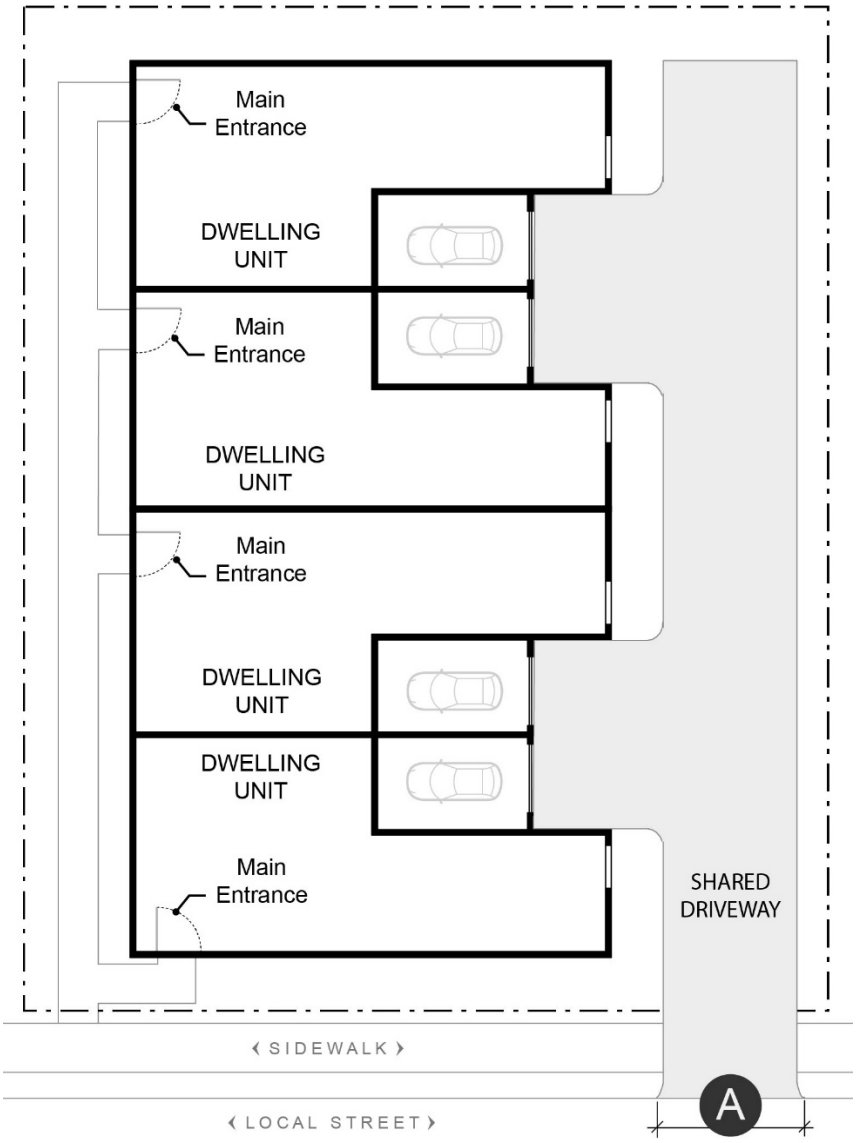
Figure 19. Driveway Approach Width and Separation on Local Street



(A) $X^1 + X^2 + X^3 + X^4$ must not exceed 32 feet per frontage,

(B) Driveway approaches may be separated when located on a local street

Figure 20. Driveway Approach Width on Local Street – Shared Driveway



A Approach width must not exceed 32 feet.

Figure 21. Alley Access

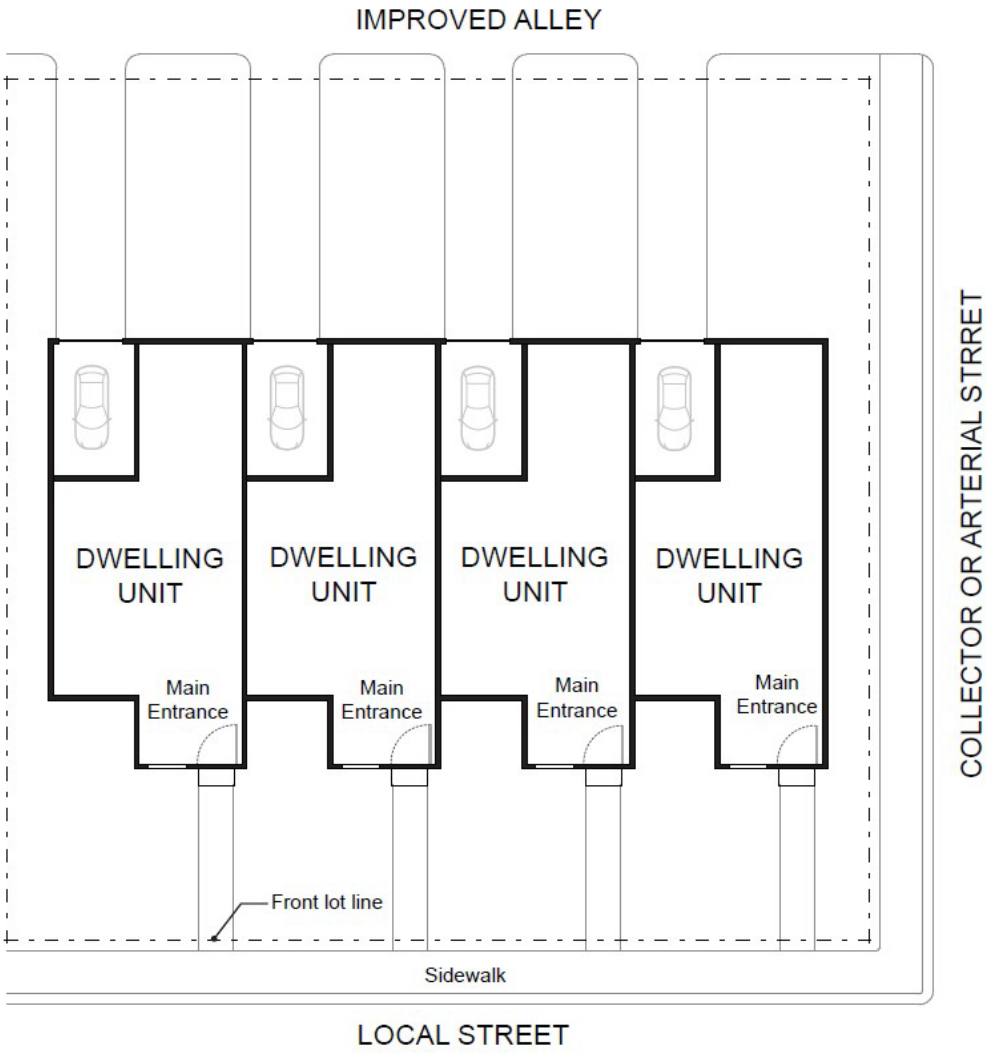
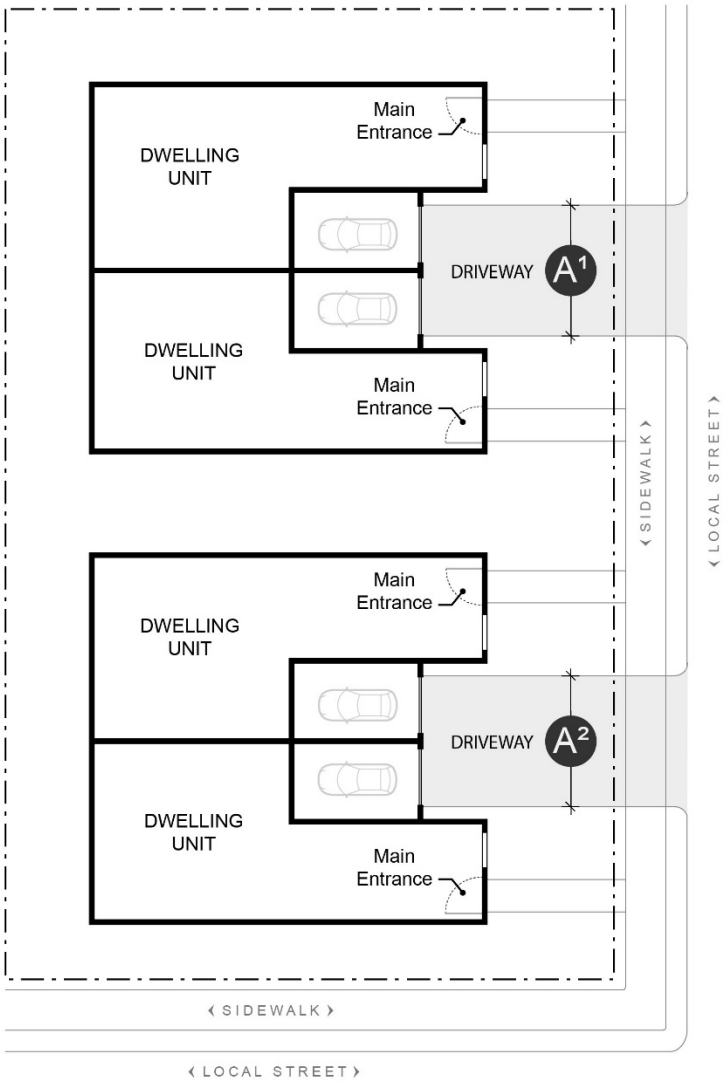
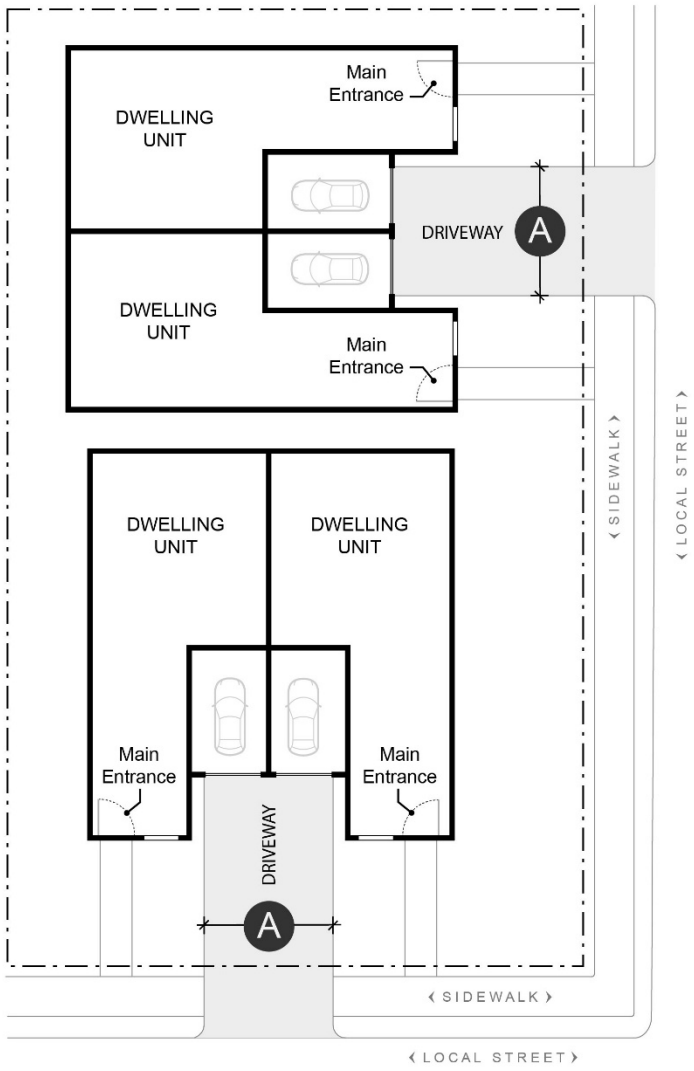


Figure 22. Driveway Approaches on One Local Street Frontage



A Two driveway approaches on one frontage: $A^1 + A^2 \leq 32$ feet.

Figure 23. Driveway Approaches on Two Local Street Frontages



A One maximum 16-foot-wide driveway approach per frontage.

D. Conversions to Triplex and Quadplex

1. An existing detached single-unit dwelling or duplex may be converted to a triplex or quadplex through one or more of the following:

    a. Conversion of interior space;

    b. Construction of an attached addition; or

    c. Construction of one or more additional dwelling units within one or more detached structures on the same lot or parcel.

2. Development described in subsection (1) of this section (D) is allowed, pursuant to Chapter 1, Section C (Applicability), provided that the development does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the development code.

3. Except as provided in subsection (4) of this section (D), the existing dwelling unit or units are included in the resulting triplex or quadplex and are not retained units under Chapter 2.

4. When the additional dwelling units constructed under subsection (1)(c) of this section (D) independently constitute newly developed middle housing and the existing dwelling units qualify as retained units under Chapter 2, the development is subject to Chapter 2 and is not a conversion under this section (D).

Chapter 5. Townhouses

Sections

- **A. Permitted Uses and Approval Process**
- **B. Development Standards**
- **C. Design Standards**

A. Permitted Uses and Approval Process

1. Permitted Use. Townhouses are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).

2. Approval Process. Townhouse structures are subject to the same approval process as that for detached single-unit dwellings in the same zone. Townhouse projects are subject only to clear and objective standards, approval criteria, conditions, and procedures. The approval process must comply with the applicable requirements of ORS 197A.400(5) and (6), including limitations on notice, public hearings, and appeals. Alternatively, an applicant may choose to submit an application for a townhouse project subject to discretionary standards and criteria adopted in accordance with ORS 197A.400(3), if such a process is available.

3. New Lots or Parcels.

    a. Creation of new lots or parcels as part of a townhouse project is subject to the applicable land division approval process.

    b. An application for a tentative plan for one or more middle housing land divisions may be submitted at the same time as an application for a standard land division, subject to the following:

        i. The standard land division creates the parent lots, and the middle housing land division further divides the parent lots into child lots;

        ii. Each parent lot must meet the jurisdiction's requirements applicable to lots or parcels created through a standard land division; and

        iii. Each townhouse structure must be located on its own parent lot. Child lots for individual townhouses may be created concurrently through a middle housing land division.

    c. One or more middle housing land division applications submitted at the same time as a standard land division application shall be consolidated into a single application subject to the procedural requirements applicable to the standard land division.

4. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a townhouse development application.

B. Development Standards

1. Applicability. For a townhouse project containing bonus units, the development standards in this section apply except as modified by Chapter 7.

    a. Townhouses shall meet the standards in subsections (3), (4), and (5) of this section (B).

    b. Townhouse projects shall meet:

        - The standards in subsections (2), (5), and (6) of this section (B).
        - Any applicable clear and objective platting standards for lots or parcels created through a standard land division, unless those standards conflict with this code.
        - For child lots created through a middle housing land division, only the requirements authorized by ORS 92.031 and the applicable middle housing land division regulations.

    c. The following standards are invalid and do not apply to townhouses or townhouse projects allowed by this code, except as specified in this section (B):

        - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (6) of this section (B).
        - Development standards of the applicable base zone related to lot dimensions, lot coverage (i.e., building lot coverage or impervious surface coverage), landscape or open space area, or the siting or design of dwellings.
        - The jurisdiction's other development standards that do not apply to a detached single-unit dwelling but otherwise apply to townhouses, and that conflict with provisions of this code.

2. Maximum Density.

    a. Notwithstanding an otherwise applicable maximum density, minimum lot size, or minimum lot-area-per-unit standards, a townhouse project containing up to four townhouse units, including four units in a single townhouse structure, shall be allowed on any lot or parcel zoned for residential use that allows a detached single-unit dwelling.

    b. For a townhouse project containing more than four townhouse units, the maximum density is as follows:

        - In zones in which the minimum lot size for detached single-unit dwellings is 2,500 square feet or less, townhouse projects are allowed two (2) times the allowed density for detached single-unit dwellings.
        - In zones in which the minimum lot size for detached single-unit dwellings is more than 2,500 square feet but less than 5,000 square feet, townhouse projects are allowed three (3) times the allowed density for detached single-unit dwellings.

- In zones in which the minimum lot size for detached single-unit dwellings is 5,000 square feet or more, townhouse projects are allowed four (4) times the allowed density for detached single-unit dwellings.

3. Setbacks. Townhouses shall meet the minimum and maximum setback standards that apply to detached single-unit dwellings in the same zone, except as noted below:

   - **Front and Street Side**: Minimum front and street side yard setbacks greater than 10 feet are invalid, except those applicable to garages or carports.
   - **Rear**: Minimum rear setbacks greater than 10 feet and minimum rear setbacks greater than zero (0) feet for lots with rear alley access are invalid.
   - **Non-street Side**:
     - The minimum setback for a common wall lot line where units are attached is zero (0) feet.
     - The minimum side setback for an exterior wall at the end of a townhouse structure is five (5) feet.

4. Building Height. Townhouses shall meet the maximum building height standards that apply to detached single-unit dwellings in the same zone, except a maximum height of less than 35 feet or three (3) stories is invalid. Building height is measured in accordance with the development code.

5. Off-Street Parking.

   a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a townhouse project is one (1) space per unit. Spaces may be provided on individual lots or in a shared parking area on a common tract. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).

   b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

      i. The space must be abutting the subject site;

      ii. The space must be in a location where on-street parking is allowed by the jurisdiction;

      iii. The space must be a minimum of 22 feet long; and

      iv. The space must not obstruct a required sight distance area.

6. Areas Owned in Common. Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the jurisdiction prior to issuance of a building permit.

C. Design Standards

New townhouses shall meet the design standards in subsections (1) through (4) of this section (C). Mandates for construction of a garage or carport and any other design standards are invalid.

1. Entry Orientation. The main entrance of each townhouse must:

    a. Be no more than 8 feet farther from the front lot line than the dwelling unit's longest wall that faces the front lot line; and

    b. Either:

        i. Face the street (see Figure 13);

        ii. Be at an angle of up to 45 degrees from the street (see Figure 14);

        iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or

        iv. Open onto a porch (see Figure 16). The porch must:

            (A) Be at least 25 square feet in area; and

            (B) Have at least one entrance facing the street or have a roof.

    c. Exception. Townhouses on townhouse lots that do not have public street frontage are exempt from meeting this standard.

2. Unit definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 24):

    a. A roof dormer a minimum of 4 feet in width, or

    b. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room, or

    c. A bay window that extends from the facade a minimum of 2 feet, or

    d. An offset of the facade of a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or

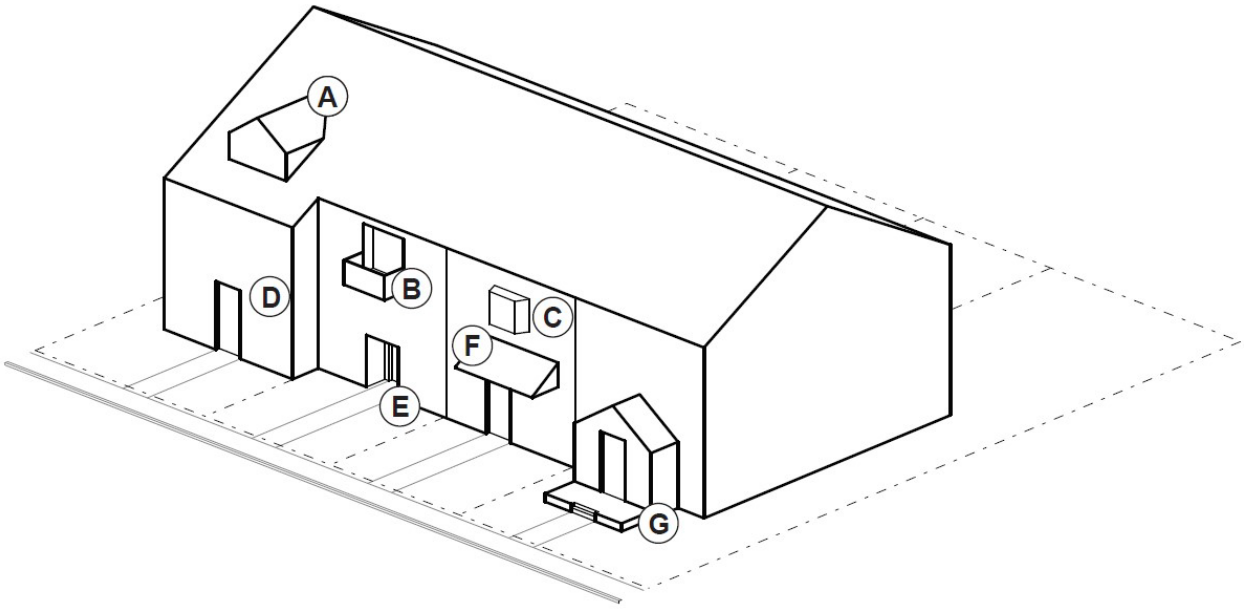
    e. An entryway that is recessed a minimum of 3 feet, or

    f. A covered entryway with a minimum depth of 4 feet, or

    g. A porch meeting the standards of subsection (1)(b)(iv) of this section (C).

    Balconies and bay windows may encroach into a required setback area.

Figure 24. Townhouse Unit Definition



A Roof dormer, minumum of 4 feet wide

B Balcony, minimum 2 deet deep and 4 feet wide. Accessible from interior room.

C Bay window extending minimum of 2 feet from facade

D Facade offset, minimum of 2 feet deep

E Recessed entryway, minimum 3 feet deep

F Covered entryway, minimum of 4 feet deep

G Porch, meets standards of subsection (1)(b)(iv) of section (C)

3. Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or pedestrian entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 17.

4. Driveway Access and Parking. Townhouse lots with frontage on a public street shall either meet the standards in subsection (a) or subsection (b). Townhouse lots without frontage on a public street are subject to subsection (c)

   a. Where garage entrances, off-street parking areas, or driveways are located between a townhouse and a public street (other than an alley), the following standards shall be met (see Figure 25).

i. The townhouse lot shall have at least 15 feet of street frontage on a local street.

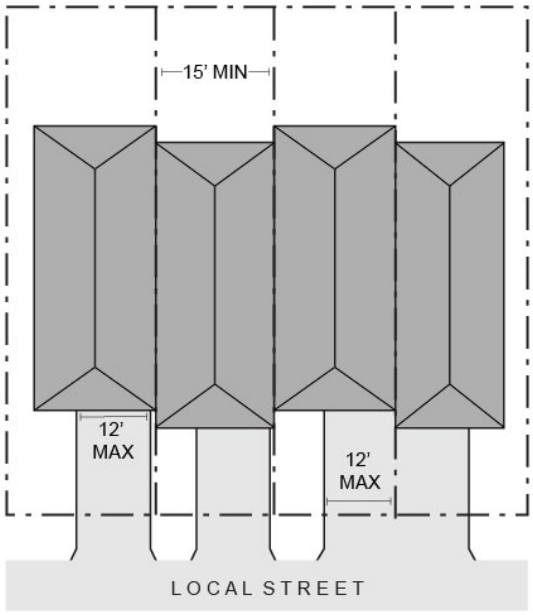
ii. A maximum of one (1) driveway approach is allowed for every townhouse. Driveway approaches or driveways may be shared.

iii. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

iv. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

v. This standard does not supersede a city's driveway separation standards.

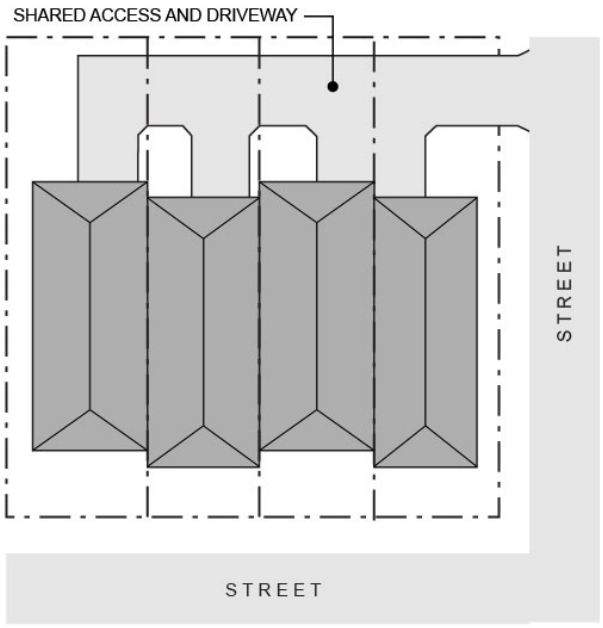
Figure 25. Townhouses with Parking in Front Yard



b. For all other configurations of driveway access and parking, the following standards shall be met.

i. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 26.

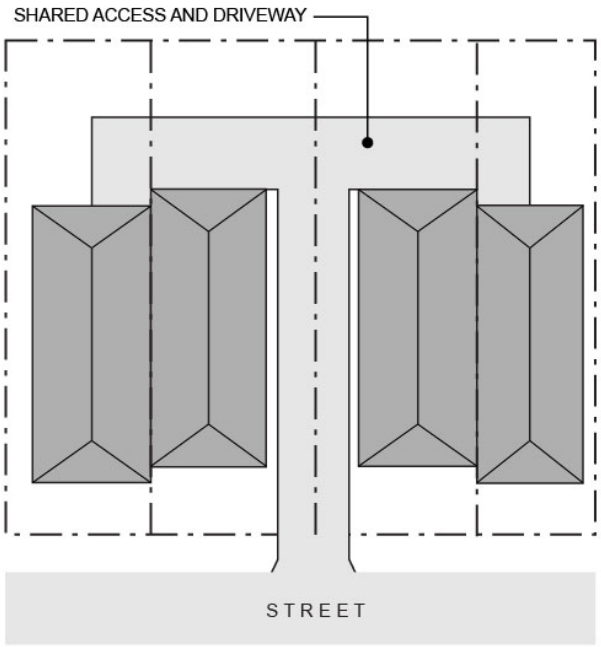
Figure 26. Townhouses on Corner Lot with Shared Access



iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. See Figure 27.

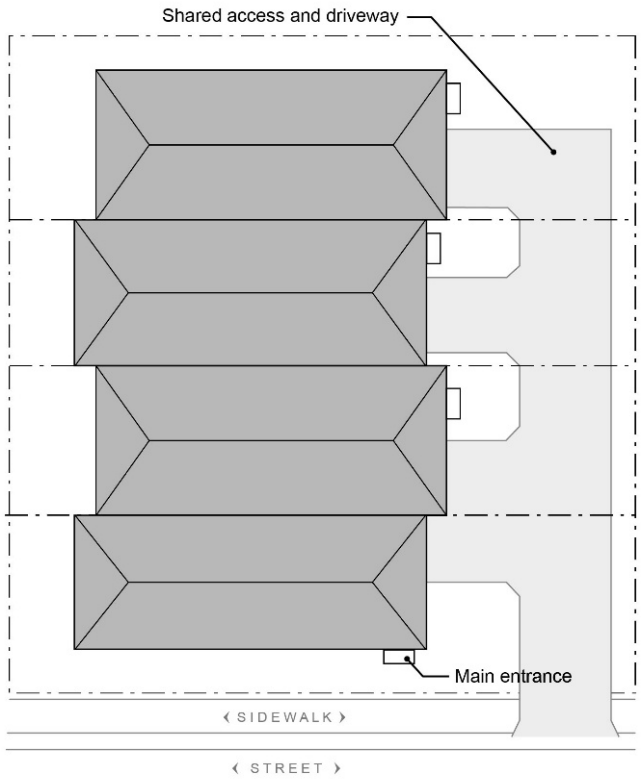
iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access. Driveway and approach widths are subject to the city's public works standards.

Figure 27. Townhouses with Consolidated Access



v. Townhouse lots that do not have public street frontage may be accessed from a shared driveway located within an access easement or tract that allows normal vehicular access and emergency access. See Figure 28.

Figure 28. Townhouses with Access from Shared Driveway and Access Easement/Tract



Chapter 6. Cottage Clusters

Sections:

- **A. Permitted Uses and Approval Process**
- **B. Development Standards**
- **C. Design Standards**

A. Permitted Uses and Approval Process

1. Permitted Use. Cottage cluster projects are permitted outright wherever they are allowed as provided in Chapter 1, Section C (Applicability).

2. Approval Process. Cottage cluster projects are subject to the same approval process as that for detached single-unit dwellings in the same zone and are subject only to clear and objective standards, approval criteria, conditions, and procedures. The approval process must comply with the applicable requirements of ORS 197A.400(5) and (6), including limitations on notice, public hearings, and appeals. Alternatively, an applicant may choose to submit an application for a cottage cluster project subject to discretionary standards and criteria adopted in accordance with ORS 197A.400(3), if such a process is available.

3. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a cottage cluster development application.

B. Development Standards

1. Applicability. For a cottage cluster or cottage cluster project containing bonus units, the development standards in this section apply except as modified by Chapter 7.

    a. Cottage clusters shall meet the standards in subsections (2) through (7) of this section (B).

    b. The following standards are invalid and do not apply to cottage clusters allowed by this code, except as specified in this section (B):

        - Additional development standards of the applicable base zone related to the standards addressed under subsections (2) through (7) of this section (B).

        - Development standards of the applicable base zone related to lot dimensions, lot coverage (i.e., building lot coverage or impervious surface coverage), floor area ratio, landscape or open space area, or the siting or design of dwellings.

        - The jurisdiction's other development standards that do not apply to a detached single-unit dwelling but otherwise apply to a cottage cluster or cottage cluster project, and that conflict with provisions of this code.

2. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size, width, and depth standards that apply to detached single-unit dwellings in the same zone.

3. Maximum Density. The jurisdiction's pre-existing density maximums do not apply.

4. Setbacks and Building Separation.

    a. Setbacks. Cottage clusters shall meet the minimum and maximum setback standards that apply to detached single-unit dwellings in the same zone, except that minimum setbacks for dwellings in excess of the following are invalid:

        - Front setbacks: 10 feet

        - Side setbacks: 5 feet

        - Rear setbacks: 10 feet

    b. Building Separation. Any structure containing cottages shall be separated by a minimum distance of six (6) feet from other structures containing cottages. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

5. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.

6. Building Height. The maximum building height for all structures is 25 feet or two (2) stories, whichever is greater.

7. Off-Street Parking.

    a. Required Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is zero (0) spaces per unit with a floor area less than 1,000 square feet and one (1) space per unit with a floor area of 1,000 square feet or more. Spaces may be provided for individual cottages or in shared parking clusters. A credit for on-street parking shall be granted for some or all of the required off-street parking as provided in subsection (b).

    b. On-Street Credit. If on-street parking spaces meet all the standards in subsections (i)-(iv) below, they shall be counted toward the minimum off-street parking requirement.

        i. The space must be abutting the subject site;

        ii. The space must be in a location where on-street parking is allowed by the jurisdiction;

        iii. The space must be a minimum of 22 feet long; and

        iv. The space must not obstruct a required sight distance area.

C. Design Standards

Cottage clusters shall meet the design standards in subsections (1) through (8) of this section (C). No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section (C).

1. Cottage Orientation. Cottages must be clustered around a common courtyard, as demonstrated by meeting the following standards (see Figure 29):

    a. Each cottage within a cluster must have a main entrance that is directly connected to the common courtyard by a pedestrian walkway.

    b. A minimum of 50 percent of cottages within a cluster must:

        i. Have a main entrance facing the common courtyard; and

        ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard.

    c. Cottages must abut the common courtyard on at least two sides of the courtyard.

2. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard that meets the following standards (see Figure 29):

    a. The common courtyard must be a single, contiguous piece.

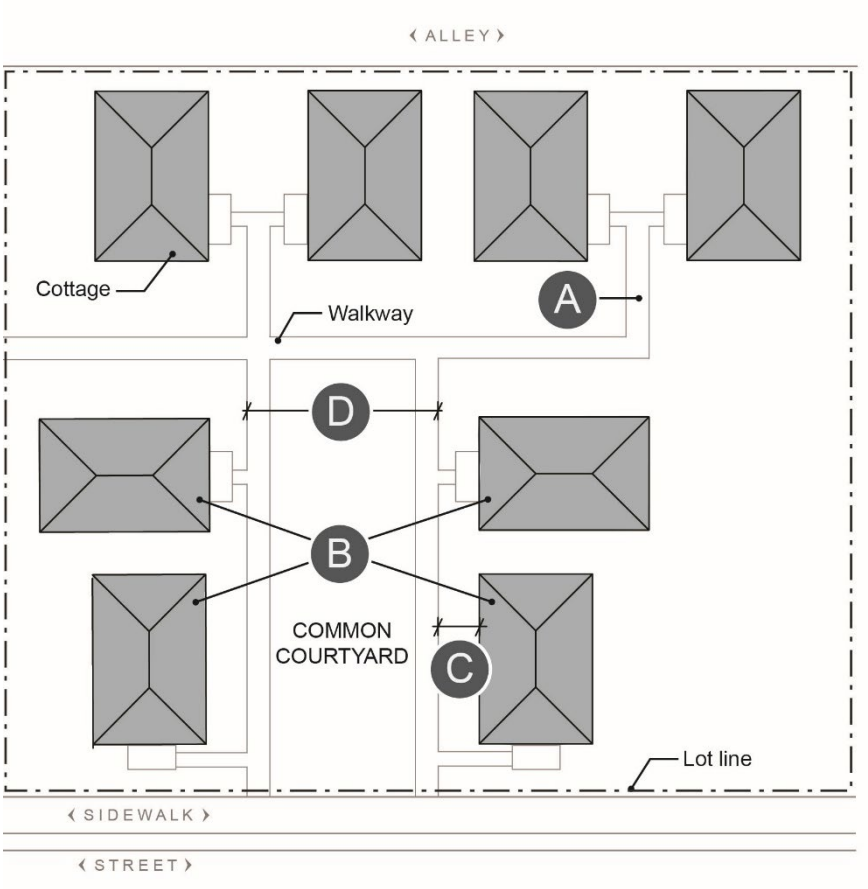
b. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (1) of this section (C)).

c. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

d. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

e. Common courtyards must include pedestrian walkways. The portion of a walkway that shares an edge or boundary with the common courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

Figure 29. Cottage Cluster Orientation and Common Courtyard Standards



A All cottages connected to courtyard by walkway.



3. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

    a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).

    b. If a community building meets the development code's definition of a dwelling unit and would exceed the maximum number of cottages in a cottage cluster, a covenant must be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a dwelling unit.

4. Pedestrian Access.

    a. An walkway must connect the main entrance of each cottage to the following:

        i. The common courtyard;

        ii. Shared parking areas;

        iii. Community buildings; and

        iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

    b. The walkway must be hard-surfaced and a minimum of four (4) feet wide.

    c. An accessible walkway must connect the main entrance of each accessible unit to:

        i. A sidewalk abutting the lot, or a right-of-way if there is no sidewalk; and

        ii. At least one ADA parking space, if provided.

5. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single-unit dwellings in the same zone.

6. Parking Design (see Figure 30).

    a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.

iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

iv. Clustered parking areas may be covered.

b. Parking location and access.

i. Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street lot line, except alley lot lines;
- Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

d. Garages and carports.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum average floor area for cottages.

iii. Individual detached garages must not exceed 400 square feet in floor area.

iv. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

7. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

8. Existing Structures. On a lot or parcel to be used for a cottage cluster project, existing dwelling units retained on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area, in accordance with Chapter 2. Retained units are subject to the following provisions:

a. Retained units may be nonconforming with respect to the requirements of this code.

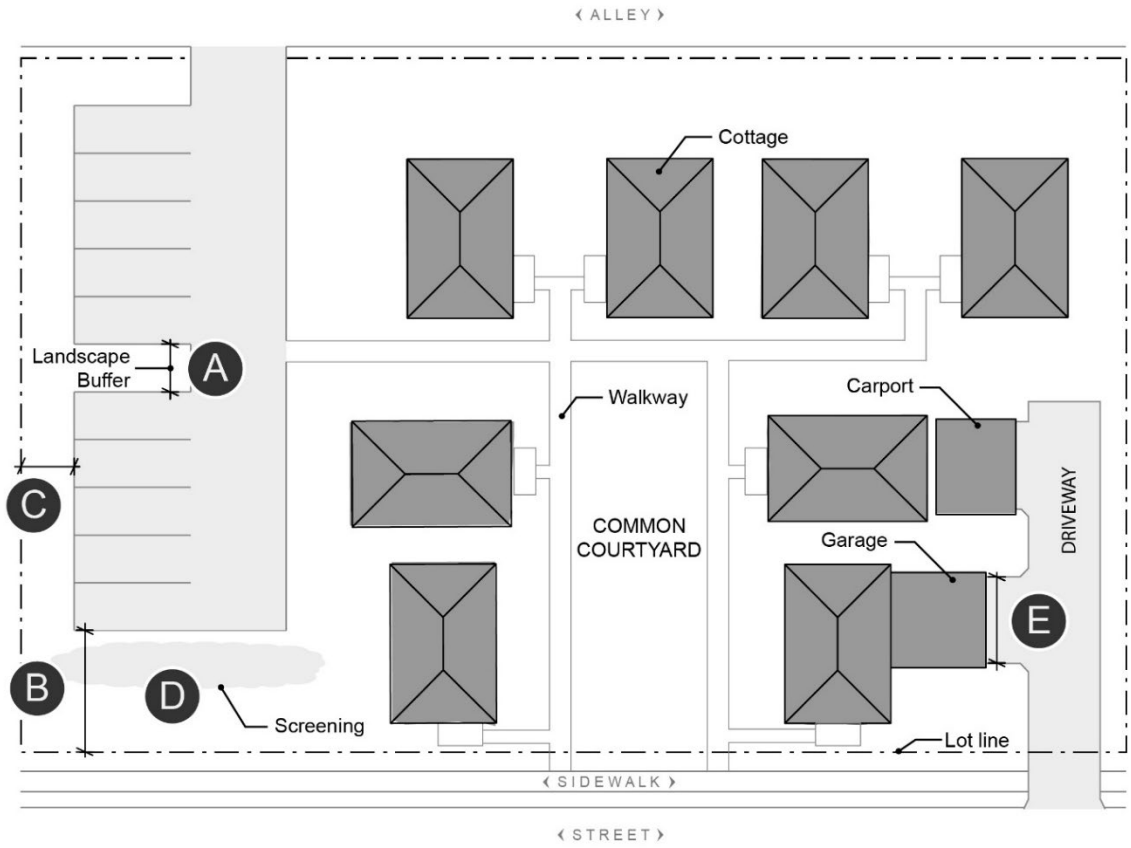
b. Retained units do not count toward the minimum or maximum number of cottages permitted in a cottage cluster.

c. Retained units may be expanded up to the maximum height in subsection (B)(6). If a retained unit exceeds the maximum building height, the expansion may not increase the unit's nonconformance with that standard.

d. The floor area of the retained units shall not count towards the maximum average floor area of a cottage cluster.

e. An applicant may choose to exclude the retained unit(s) from the calculation of orientation toward the common courtyard, per subsection (1)(a) of this section (C).

Figure 30. Cottage Cluster Parking Design Standards



A — Parking clusters separated by minimum 4 feet of landscaping.

B — No parking within 20 feet of street lot line.

C — No parking within 10 feet of lot line other than street or alley.

D — Screening required between parking areas or parking structures and public streets or common courtyards.

E — Maximum 20 feet garage door width.

Chapter 7. Accessible or Affordable Middle Housing Bonus Units

Sections:

- **A. Purpose**
- **B. Definitions**
- **C. Applicability**
- **D. Number and Configuration of Bonus Units**
- **E. Standards Applicable to Development Subject to Review Under this Model Code**
- **F. Standards Applicable to Development Subject to Review Under Local Jurisdiction Middle Housing Regulations**

A. Purpose

The purpose of this chapter is to implement ORS 197A.421 by allowing bonus units when a middle housing development includes at least one accessible unit or affordable unit. This chapter establishes clear and objective standards providing development capacity for the bonus units.

B. Definitions

In addition to the definitions in Chapter 1, Section B, the following definitions shall apply to this chapter.

1. "Accessible unit" means a dwelling unit that complies with the "Type A" requirements applicable to units as set forth in the Standard for Accessible and Usable Buildings and Facilities published by the International Code Council and as referenced by the state building code.
2. "Affordable unit" means a dwelling unit that is subject to an affordable housing covenant, as described in ORS 456.270 to 456.295, that:
    a. Makes the unit available to purchase for a maximum sales price and requires that the unit be purchased by a household with an income below 120 percent of median income, with both the maximum price and income threshold as published per region on an annual basis by the division of the Oregon Department of Administrative Services that serves as office of economic analysis; and
    b. Is enforceable for a duration of not less than 10 years from the date of the certificate of occupancy.
3. "Bonus unit" means an additional dwelling unit allowed under ORS 197A.421 and this chapter.
4. "Middle housing development," for the purposes of this chapter, means a duplex, a triplex, a quadplex, a townhouse structure, or a cottage cluster.

C. Applicability

1. This chapter applies to jurisdictions subject to ORS 197A.420(2), except that it is not required for urban unincorporated land outside Metro.

2. To qualify for bonus units under this chapter, a middle housing development must include at least one accessible unit or affordable unit.

3. Applicable Provisions. Sections A through D of this chapter apply to all middle housing developments containing bonus units. In addition:

   a. Section E applies when the jurisdiction applies the standards in this model code applicable to the housing type; and

   b. Section F applies when the jurisdiction applies locally adopted middle housing standards, as provided in Section F.

D. Number and Configuration of Bonus Units

1. Number of Bonus Units. Each duplex, triplex, quadplex, townhouse structure, or cottage cluster that includes one or more affordable units or accessible units shall be granted the number of bonus units shown in Table 7-1.

2. Configuration. The applicant may determine the configuration and arrangement of the dwelling units, subject to the clear and objective standards applicable under this chapter. The applicant may elect to develop fewer than the maximum number of bonus units allowed by Table 7-1.

Table 7-1. Bonus Units – Number and Configuration

Middle Housing Type	Maximum bonus units	Bonus Unit Configuration
Duplex	One (1)	Bonus unit may be attached or detached.
Triplex	One (1)	Bonus unit may be attached or detached.
Quadplex	Two (2)	Bonus units may be attached or detached.
Townhouse structure*	Two (2)	Each bonus unit must be attached to the townhouse structure and meet the definition of “townhouse.”
Cottage cluster*	Two (2)	Bonus units may be attached or detached, subject to the definition of “cottage cluster.”

* Bonuses are calculated separately for each townhouse structure or cottage cluster that qualifies under subsection (1) of this section (D). Where the otherwise applicable standards limit a townhouse structure to four townhouse units or a cottage cluster to eight cottages, the bonus increases those limits to six townhouse units or ten cottages, respectively.

3. Classification as Middle Housing. A development allowed under this chapter remains middle housing notwithstanding the number or configuration of dwelling units in the resulting development.

4. Application of Standards Based on Unit Count.

a. Each bonus unit in a cottage cluster counts as a cottage when applying a standard based on the number of cottages, including a minimum common-courtyard-area standard.

b. Each bonus unit in a townhouse structure counts as a townhouse when applying a standard based on the number of townhouses.

E. Standards Applicable to Development Subject to Review Under this Model Code

This section applies when a jurisdiction has not adopted land use regulations for middle housing in compliance with ORS 197A.420 and OAR chapter 660, division 46, and instead applies the standards of this model code to the applicable middle housing type. A middle housing development containing bonus units is subject to the model code standards applicable to the middle housing type, except as modified by this chapter and subject to the following clarifications:

1. A duplex with one bonus unit is subject to the standards applicable to a triplex.

2. A triplex with one bonus unit is subject to the standards applicable to a quadplex.

3. A quadplex with one or two bonus units is subject to the standards applicable to a quadplex.

F. Standards Applicable to Development Subject to Review Under Local Jurisdiction Middle Housing Regulations

A Large City that has adopted land use regulations for middle housing in compliance with ORS 197A.420 and OAR chapter 660, division 46, but has not adopted land use regulations implementing the bonus-unit requirements of ORS 197A.421, may apply its existing siting and design standards to a middle housing development containing bonus units, subject to the limitations in this section (F). These limitations allow commensurate increases to developable area, floor area, height, or density required to allow development of the bonus units.

1. Development Allowance.

   The development allowance described in subsections (a) through (c) establishes a clear and objective basis to evaluate whether a development standard would preclude a middle housing development from developing the bonus units that were granted. It does not mean that every site will have sufficient area to enable the development allowance.

   The development allowance does not establish a minimum floor area, footprint, or height for an individual dwelling unit or require the applicant to use all of the allowance. The applicant is not required to use all development capacity permitted by this section (F).

   a. Floor Area Allowance.

      i. For a triplex, quadplex (including a quadplex with bonus units), or townhouse structure, the floor area allowance equals 1,200 square feet multiplied by the total number of dwelling units in the development, including bonus units.

         Floor area allowance = 1,200 square feet x total number of dwelling units

ii. For a cottage cluster, the floor area allowance equals 1,400 square feet multiplied by the total number of cottages in the cluster, including bonus units.

Cottage cluster floor area allowance = 1,400 square feet × total cottages

iii. For a townhouse project containing more than one townhouse structure or a cottage cluster project containing more than one cottage cluster, the allowance is calculated separately for each structure or cluster that qualifies for bonus units. Other structures or clusters remain subject to the jurisdiction's otherwise applicable standards.

b. Building Footprint Allowance. The building footprint allowance equals the floor area allowance divided by two.

Building footprint allowance = floor area allowance ÷ 2

c. Building Height Allowance. The building height allowance equals:

i. 35 feet or three stories, whichever is greater, for a triplex, quadplex (including a quadplex with bonus units), or townhouse project; and

ii. 25 feet or two stories, whichever is greater, for a cottage cluster.

2. Standards Subject to the Limitation. If a standard would preclude the middle housing development from achieving at least the development allowance described in subsection (1), the standard shall be modified to the extent specified in this subsection (2). The limitations in this subsection only apply to standards regulating the same subject. All other applicable clear and objective standards continue to apply. In addition, this subsection establishes limitations on the regulation of density and parking.

a. Standards regulating floor area and floor area ratios must permit development of the floor area allowance in subsection (1)(a) of this section (F).

b. Standards regulating maximum building coverage, maximum building footprint, and minimum landscaping, open-space, or yard-area standards must permit development of the building footprint allowance in subsection (1)(b) of this section (F), subject to the following:

i. A common courtyard requirement applicable to a cottage cluster may be reduced only to the extent necessary to permit the building footprint allowance; and

ii. The required common courtyard area may not be reduced below 80 square feet per cottage.

c. Standards must permit development of the building footprint allowance in subsection (1)(b) of this section (F) within the "area available for buildings" as provided below. For purposes of this subsection, "area available for buildings" means the contiguous area enclosed by the applicable minimum setback lines, excluding any area in which buildings are prohibited by a protective measure adopted pursuant to a statewide planning goal. If the area available for

buildings within the otherwise applicable setbacks is less than the building footprint allowance:

i. One or more setbacks may be reduced until the area available for buildings equals the building footprint allowance;

ii. A setback may not be reduced below five (5) feet from a front, side, or rear lot line, unless otherwise permitted by the local development standards, except that a rear setback abutting an alley may be reduced to zero; and

iii. Setbacks applicable specifically to garage or carport entrances, or driveway length standards, continue to apply.

d. Standards regulating building height must permit development of the building height allowance in subsection (1)(c) of this section (F).

e. Standards regulating maximum density, minimum lot area per dwelling unit, maximum number of units, number of townhouses in a townhouse structure, or number of cottages in a cottage cluster may not reduce the number of dwelling units allowed by Section D.

f. No additional off-street parking space is required for a bonus unit. Applicable off-street parking requirements may be applied only to the number of dwelling units that would be allowed without the bonus units. Nothing in this subsection (2)(f) of this section (F) prohibits an applicant from voluntarily providing parking for a bonus unit.