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PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 660

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

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ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Correction to recently adopted Division 46 rules

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RULES:
660-046-0010, 660-046-0020, 660-046-0105, 660-046-0120, 660-046-0205, 660-046-0220, 660-046-0320, 660-046-0350

AMEND: 660-046-0010

NOTICE FILED DATE: 09/25/2026

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 be in compliance 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 purposes of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the applicable Model Code adopted in this section will be applied to A Local Government That Has Not Acted to comply with the provisions of ORS 197A.420 and this division. For such Medium and Large Cities, the applicable Model Code completely replaces and pre-empts any provisions of those Medium and Large Cities' development codes that conflict with the Model Code. The 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=341441

AMEND: 660-046-0020

NOTICE FILED DATE: 09/25/2026

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 19ZA.420 and this division.¶
(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 as defined in ORS 197A.015(12) of a count~~ies within Metro~~.¶
(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) "Quadplex" has the same meaning as provided in ORS 197A.420(1)(g).¶
(15) "Siting Standard" means a standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.¶
(16) "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:¶
(a) Connection to a public sewer system capable of meeting established service levels;¶
(b) Connection to a public water system capable of meeting established service levels;¶
(c) Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system; and¶
(d) Storm drainage facilities capable of meeting established service levels for storm drainage.¶
(17) "Townhouse" has the same meaning as provided in ORS 197A.420(1)(h).¶
(18) "Townhouse Project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.¶
(19) "Triplex" has the same meaning as provided in ORS 197A.420(1)(i).¶
(20) "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: 660-046-0105

NOTICE FILED DATE: 09/25/2026

RULE SUMMARY: This rule describes the requirements for middle housing in medium cities.

CHANGES TO RULE:

660-046-0105
Applicability of Middle Housing in Medium Cities
(1) A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-unit dwelling, on each Lot or Parcel zoned for residential use ~~that allows for the development of detached single-unit dwellings.~~/¶
(2) OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units./
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

AMEND: 660-046-0120

NOTICE FILED DATE: 09/25/2026

RULE SUMMARY: This rule describes reasonable siting standards that a medium city may adopt to regulate middle housing.

CHANGES TO RULE:

660-046-0120
Duplex Siting Standards in Medium Cities
The following standards apply to all Duplexes:/ ¶
(1) Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-unit dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any ~~property zoned to allow detached single-unit dwellings~~lot or parcel zoned for residential use, which was legally created prior to the Medium City's current lot size minimum for detached single-unit dwellings in the same zone./ ¶
(2) Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes./ ¶
(3) Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-unit dwellings in the same zone./ ¶
(4) Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-unit dwellings in the same zone./ ¶
(5) Parking:/ ¶
(a) A Medium City may not require more than a total of two off-street parking spaces for a Duplex./ ¶
(b) Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements./ ¶
(6) Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-unit dwelling in the same zone./ ¶
(7) A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-unit dwelling development must allow the granting of the same exceptions to Duplexes./
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

AMEND: 660-046-0205

NOTICE FILED DATE: 09/25/2026

RULE SUMMARY: This rule describes the requirements for middle housing in large cities.

CHANGES TO RULE:

660-046-0205
Applicability of Middle Housing in Large Cities
(1) A Large City must allow for the development of Duplexes in the same manner as required for Medium Cities in OAR 660-046-0100 through OAR 660-046-0130.¶
(2) A Large City must allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through additions to or conversions of existing detached single-unit dwellings, ~~i~~on ~~areas~~each lot or parcel zoned for residential use ~~that allow for the development of detached single-unit dwellings~~. A Large City may regulate or limit development of these types of Middle Housing on the following types of lands:¶
(a) Goal-Protected Lands: Large Cities may regulate Middle Housing on Goal-Protected Lands as provided in OAR 660-046-0010(3);¶
(b) Master Planned Communities: Large Cities may regulate the development of Middle Housing in Master Planned Communities as follows:¶
(A) A Large City may regulate Middle Housing in Master Planned Communities created through the adoption, by resolution or ordinance, of a master plan, or plan that functions in the same manner as a master plan, after January 1, 2021, by either allowing the development of all Middle Housing types as provided in OAR 660-046-0205 through OAR 660-046-0235, or through implementation of one or more of the following actions:¶
(i) Plan to provide urban water, sanitary sewer, stormwater, and transportation systems that accommodate at least 20 dwelling units per net acre if located within a metropolitan service district boundary, and 15 dwelling units per net acre if located outside of a metropolitan service district boundary. The Large City may require the applicant demonstrate, through an amended public facility plan or similar mechanism, the sufficient provision of public services needed to serve the proposed development, if a proposed Middle Housing development exceeds the planned public service capacity of a master plan. A Large City may require a mix of two or more Middle Housing types within an adopted master plan or portions of a master plan. A Large City may designate areas within the adopted master plan exclusively for other housing types, such as multi-unit residential structures of five dwelling units or more or manufactured home parks; or,¶
(ii) Plan to provide urban water, sanitary sewer, stormwater, and transportation systems based on the implementation of a variable rate infrastructure fee or system development charge or impact fee that more accurately reflects the actual cost of providing urban services to Middle Housing and other housing types in an adopted master plan and which incentivize the development of Middle Housing and smaller and more affordable housing types generally by reducing development cost. Pursuant to ORS 223.304, a Large City, or other service provider, may establish a variable rate system development charge, comprised of reimbursement fees or improvement fees, or a combination, to residential development in a Master Planned Community. The charge or fee may be calculated by total square footage, anticipated occupancy of housing types, by unit type, or other metric as defined by the service provider; or,¶
(iii) Require applications for residential development within a Master Planned Community to develop a mix of residential types, including at least two Middle Housing types other than Duplexes. A Large City may adopt a master plan or a plan that functions in the same manner as a master plan which designates areas within the Master Planned Community exclusively for housing types other than detached single-unit dwellings, such as ~~multi~~single-unit residential structures of five dwelling units or more or manufactured home parks.¶
(B) If a Large City has adopted a master plan or a plan that functions in the same manner as a master plan before January 1, 2021, it may limit the development of Middle Housing other than Duplexes provided it authorizes in the entire master plan area a net residential density of at least eight dwelling units per acre and allows all dwelling units, at minimum, to be detached single-unit dwellings or Duplexes. A Large City may only apply this restriction to portions of the area not developed as of January 1, 2021, and may not apply this restriction after the initial development of any area of the master plan or a plan that functions in the same manner as a master plan, except that a Large City may prohibit redevelopment of other housing types, such as multi-unit residential structures and manufactured home parks.¶
(c) Impacted by State or Federal Law: A Large City must demonstrate that regulations or limitations of Middle Housing other than Duplexes are necessary to implement or comply with an established state or federal law or regulation on these types of lands.¶
(3~~) A Large City may:¶~~

~~(a) Allow for the development of Triplexes, Quadplexes, Townhouses, and Cottage Clusters, including those created through conversion of existing detached single-unit dwellings, in areas zoned for residential use that allow for the development of detached single-unit dwellings as provided in OAR 660-046-0205 through OAR 660-046-0235; or¶~~
~~(b) Apply separate minimum lot size and maximum density provisions than what is provided in OAR 660-046-0220, provided that the applicable Middle Housing type other than Duplexes is allowed on the following percentage of Lots and Parcels zoned for residential use that allow for the development of detached single-unit dwellings, excluding lands described in subsection (2):¶~~
~~(A) Triplexes - Must be allowed on 80 percent of Lots or Parcels;¶~~
~~(B) Quadplexes - Must be allowed on 70 percent of Lots or Parcels;¶~~
~~(C) Townhouses - Must be allowed on 60 percent of Lots or Parcels; and¶~~
~~(D) Cottage Clusters - Must be allowed on 70 percent of Lots or Parcels.¶~~
~~(E) A Middle Housing type is considered "allowed" on a Lot or Parcel when the following criteria are met:¶~~
~~(i) The Middle Housing type is a permitted use on that Lot or Parcel under the same administrative process as a detached single-unit dwelling in the same zone;¶~~
~~(ii) The Lot or Parcel has sufficient square footage to allow the Middle Housing type within the applicable minimum lot size requirement;¶~~
~~(iii) Maximum density requirements do not prohibit the development of the Middle Housing type on the subject Lot or Parcel; and¶~~
~~(iv) The applicable siting or design standards do not individually or cumulatively cause unreasonable cost or delay to the development of that Middle Housing type as provided in OAR 660-046-0210(3).¶~~
~~(F) A Large City must ensure the equitable distribution of Middle Housing by allowing, as defined in paragraph (E), at least one Middle Housing type other than Duplexes and Cottage Clusters on 75 percent or more of all Lots or Parcels zoned for residential use that allow for the development of detached single-unit dwellings within each census block group, with at least four eligible Lots and Parcels as described in section (2), within a Large City.¶~~
~~(G) Large Cities must demonstrate continuing compliance with subsection (3)(b) at the following intervals:¶~~
~~(i) At the initial submittal of a Middle Housing comprehensive plan or land use regulation change, in accordance with OAR chapter 660, division 18;¶~~
~~(ii) At any future Housing Capacity Analysis deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required earlier than six years after initial adoption of acknowledged land use regulations in compliance with this division; and¶~~
~~(iii) With any future comprehensive plan or land use regulation changes that implements this division, in accordance with OAR chapter 660, division 18, for Large Cities that are not subject to the Housing Capacity Analysis deadline as provided in OAR 660-008-0045, except that a demonstration of continuing compliance will not be required more frequently than once every six years after initial adoption of acknowledged land use regulations in compliance with this division.¶~~
~~(4~~) Pursuant to OAR 660-046-0205 through OAR 660-046-0235, the following numerical standards related to Middle Housing types apply:¶
(a) Duplexes - Large Cities may allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.¶
(b) Triplexes and Quadplexes - Large Cities may allow more than four dwelling units on a Lot or Parcel, including any accessory dwelling units.¶
(c) Townhouses - Large Cities must require at least two attached Townhouse dwelling units and must allow up to four attached Townhouse units subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. A Large City may allow five or more attached Townhouse dwelling units.¶
(d) Cottage Clusters -¶
(A) A Large City is not required to set a minimum number of dwelling units in a Cottage Cluster, but if it chooses to, it may require a minimum of three, four, or five dwelling units in a Cottage Cluster. A Large City may allow, but may not require, greater than five units in a Cottage Cluster.¶
(B) A Large City must allow up to eight cottages per common courtyard subject to applicable siting or design standards as provided in OAR 660-046-0220 through OAR 660-046-0235. Nothing in this section precludes a Large City from permitting greater than eight dwelling units per common courtyard.¶
(~~5~~4) A Large City may require that applicants for a partition, subdivision, replat, property line adjustment, or planned unit development not meeting the definition of a Master Planned Community specify, for the purpose of public facilities planning, the anticipated development of Middle Housing on Lots or Parcels resulting from the partition, subdivision, replat, property line adjustment, or planned unit development. Should an applicant subsequently submit a proposal for residential development exceeding the planned public facilities as specified in the partition, subdivision, replat, property line adjustment, or planned unit development approval, the city may withhold issuance of building permits until the public facility deficiency is remediated. This subsection does not

apply to Middle Housing Land Divisions as provided in ORS 92.031./¶
(~~6~~5) A Large City may require applicants of Middle Housing to provide the same right-of-way dedications, frontage improvements, and connectivity standards that would apply to detached single-unit dwellings on the same Lot or Parcel, including applicable exemptions related to proportionality./
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

AMEND: 660-046-0220

NOTICE FILED DATE: 09/25/2026

RULE SUMMARY: This rule describes reasonable siting standards that a large city may adopt to regulate middle housing.

CHANGES TO RULE:

660-046-0220
Middle Housing Siting Standards in Large Cities
(1) Large Cities must apply siting standards to Duplexes in the same manner as required for Medium Cities in OAR 660-046-0120./¶
(2) The following governs Large Cities' regulation of siting standards related to Triplexes and Quadplexes:/¶
(a) Minimum Lot or Parcel Size:/¶
(A) For Triplexes~~:¶~~
~~(i) If the minimum Lot or Parcel size in the zone for a detached single-unit dwelling is 5,000 square feet or less, the minimum Lot or Parcel size for a Triplex may be no greater than 5,000 square feet.¶~~
~~(ii) If the minimum Lot or Parcel size in the zone for a detached single-unit dwelling is greater than 5,000 square feet~~, the minimum Lot or Parcel size for a Triplex may be no greater than the minimum Lot or Parcel size for a detached single-unit dwelling./¶
(B) For Quadplexes~~:¶~~
~~(i) If the minimum Lot or Parcel size in the zone for a detached single-unit dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Quadplex may be no greater than 7,000 square feet.¶~~
~~(ii) If the minimum Lot or Parcel size in the zone for a detached single-unit dwelling is greater than 7,000 square feet, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-unit dwelling.¶~~
~~(C) A Large City may apply a lesser minimum Lot or Parcel size in any zoning district for a Triplex or Quadplex than provided in paragraphs (A) or (B).~~, the minimum Lot or Parcel size for a Quadplex may be no greater than the minimum Lot or Parcel size for a detached single-unit dwelling./¶
(b) Density: If a Large City applies density maximums in a zone, it may not apply those maximums to the development of Quadplex and Triplexes./¶
(c) Setbacks: A Large City may not require setbacks greater than those applicable to detached single-unit dwellings in the same zone./¶
(d) Height: A Large City may not apply lower maximum height standards than those applicable to detached single-unit dwellings in the same zone, except a maximum height may not be less than 25 feet or two stories./¶
(e) Parking:/¶
(A) For Triplexes, a Large City may require up to the following off-street parking spaces:/¶
(i) For Lots or Parcels of less than 3,000 square feet: one space in total;/¶
(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total; and/¶
(iii) For Lots or Parcels greater than or equal to 5,000 square feet: three spaces in total./¶
(B) For Quadplexes, a Large City may require up to the following off-street parking spaces:/¶
(i) For Lots or Parcels of less than 3,000 square feet: one space in total;/¶
(ii) For Lots or Parcels greater than or equal to 3,000 square feet and less than 5,000 square feet: two spaces in total;/¶
(iii) For Lots or Parcels greater than or equal to 5,000 square feet and less than 7,000 square feet: three spaces in total; and/¶
(iv) For Lots or Parcels greater than or equal to 7,000 square feet: four spaces in total./¶
(C) A Large City may allow on-street parking credits to satisfy off-street parking requirements./¶
(D) A Large City may allow, but may not require, off-street parking to be provided as a garage or carport./¶
(E) A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-unit detached dwellings in the same zone./¶
(F) A Large City may not apply additional minimum parking requirements to Middle Housing created as provided in OAR 660-046-0230./¶
(f) Lot or Parcel Coverage and Floor Area Ratio: Large Cities are not required to apply Lot or Parcel coverage or floor area ratio standards to Triplexes or Quadplexes. However, if the Large City applies Lot or Parcel coverage or floor area ratio standards, it may not establish a cumulative Lot or Parcel coverage or floor area ratio for Triplexes or Quadplexes that is less than established for detached single-unit dwelling in the same zone./¶
(g) A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will

be provided, or can be provided, upon submittal of a Triplex or Quadplex development application./¶
(3) The following governs Large Cities' regulation of siting standards related to Townhouses:/¶
(a) Minimum Lot or Parcel Size: A Large City is not required to apply a minimum Lot or Parcel size to Townhouses, but if it applies those standards, the average minimum Lot or Parcel size for Lot or Parcels in a Townhouse Project may not be greater than 1,500 square feet. A Large City may apply separate minimum Lot or Parcel sizes for internal, external, and corner Townhouse Lots or Parcels provided that they average 1,500 square feet, or less. The minimum Lot or Parcel size for a Townhouse may be no greater than the minimum Lot or Parcel size for a detached single-unit dwelling./¶
(b) Minimum Street Frontage: A Large City is not required to apply a minimum street frontage standard to Townhouses, but if it applies those standards, the minimum street frontage standard must not exceed 20 feet. A Large City may allow frontage on public and private streets or alleys; and on shared or common drives. If a Large City allows flag Lots or Parcels, it is not required to allow Townhouses on those Lots or Parcels./¶
(c) Density: If a Large City applies density maximums in a zone, it must allow four times the maximum density allowed for detached single-unit dwellings in the same zone for the development of Townhouses or 25 dwelling units per acre, whichever is less./¶
(d) Setbacks: A Large City may not require front, side, or rear setbacks to be greater than those applicable to detached single-unit structures in the same zone and must allow zero-foot side setbacks for Lot or Parcel lines where Townhouse units are attached./¶
(e) Height: A Large City may not apply lower maximum height standards than those applicable to detached single-unit dwellings in the same zone./ If a Large City requires covered or structured parking for townhouses, the applicable height standards must allow construction of at least three stories. If a Large City does not require covered or structured parking, the applicable height standards must allow construction of at least two stories./¶
(f) Parking:/¶
(A) A Large City may not require more than one off-street parking space per Townhouse dwelling unit./¶
(B) Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements./¶
(C) A Large City must apply the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-unit detached dwellings in the same zone./¶
(g) Bulk and Scale: A Large City is not required to apply standards to control bulk and scale to new Townhouses. However, if a Large City chooses to regulate scale and bulk, including but not limited to provisions including Lot or Parcel coverage, floor area ratio, and maximum unit size, those standards cannot cumulatively or individually limit the bulk and scale of the cumulative Townhouse project greater than that of a single-unit detached dwelling./¶
(h) A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Townhouse development application./¶
(4) The following governs Large Cities' regulation of siting standards related to Cottage Clusters:/¶
(a) Minimum Lot or Parcel Size: A Large City is not required to apply minimum Lot or Parcel size standards to new Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel size for Cottage Clusters on a single Lot or Parcel, ~~the following provisions apply:¶~~
~~(A) If the minimum Lot or Parcel size in the same zone for a detached single-unit dwelling is 7,000 square feet or less, the minimum Lot or Parcel size for a Cottage Cluster may be no greater than 7,000 square feet.¶~~
~~(B) If the minimum Lot or Parcel size in the same zone for a detached single-unit dwelling is greater than 7,000 square feet,~~ the minimum Lot or Parcel size for a Cottage Cluster may not be greater than the minimum Lot or Parcel size for a detached single-unit dwelling./¶
(b) Minimum Lot or Parcel Width: A Large City is not required to apply minimum Lot or Parcel width standards to Cottage Clusters. However, if a Large City applies standards to regulate minimum Lot or Parcel width for ~~to~~ Cottage Clusters, it may not require a minimum Lot or Parcel width that is greater than the standard for a single-unit detached dwelling in the same zone./¶
(c) Density: A Large City may not apply density maximums to the development of Cottage Clusters. A Cottage Cluster development must meet a minimum density of at least four units per acre./¶
(d) Setbacks: A Large City may not require perimeter setbacks to be greater than those applicable to detached single-unit dwellings in the same zone. Additionally, perimeter setbacks applicable to Cottage Cluster dwelling units may not be greater than ten feet. The minimum distance between structures may not be greater than what is required by applicable building code requirements or 10 feet./¶
(e) Dwelling Unit Size: A Large City m~~ay limit the minimum or maximum size of dwelling units in a Cottage Cluster, but must apply a maximum building~~ust allow Cottage Cluster units to have an average flo~~otprint of less than 9~~r area of up to 1,400 square feet per dwelling unit. A Large City may ~~exempt up to 200 square feet in the calculation of dwelling unit footprint for an attached garage or carport. A Large City may not include detached garages, carports, or accessory structures in the calculation of dwelling unit footprint.~~not include accessory structures in the calculation of floor area average. Nothing in this subsection prohibits a Large City from regulating renovations,

remodels, additions, or nonconforming uses after development occurs./¶
(f) Parking:/¶
(A) A Large City may not require more than one off-street parking space per dwelling unit in a Cottage Cluster./¶
(B) A Large City may allow but may not require off-street parking to be provided as a garage or carport./¶
(C) Nothing in this section precludes a Large City from allowing on-street parking credits to satisfy off-street parking requirements./¶
(g) Lot or Parcel Coverage and Floor Area Ratio: A Large City may not apply Lot or Parcel coverage or floor area ratio standards to Cottage Clusters./¶
(h) Nothing in this division precludes a Large City from allowing Cottage Cluster dwelling units on individual Lots or Parcels within the Cottage Cluster development./¶
(i) A Large City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a Cottage Cluster development application./
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

AMEND: 660-046-0320

NOTICE FILED DATE: 09/25/2026

RULE SUMMARY: This rule defines terms and phrases that are used in sections 660-046-0300 through 660-046-0370.

CHANGES TO RULE:

660-046-0320
Definitions
In addition to the definitions in OAR 660-046-0020 and in ORS 197.015 and ORS 197A.420, the following definitions apply to OAR 660-046-0300 to OAR 660-046-0370.-/ In the event of a conflict, these definitions will take precedence./¶
(1) "Acceptable service levels" means measures of public facility adequacy defined by common engineering standards of practice, adopted as a policy for a utility, identified by designated authority from the decision-making body of a local government, identified in an adopted utility master plan or special area utility plan, or as necessary to comply with state or federal law./¶
(2) "IBTER" means an infrastructure-based time extension request submitted by a local government for an extension of time to adopt land use regulations or amend a comprehensive plan as provided for under Oregon Laws 2019, chapter 639, section 4.//¶
(3) "Infill and redevelopment areas" means areas with lot sizes of less than one-half an acre that are zoned to allow detached single-~~-~~unit dwellings and that are either vacant or developed with detached single-~~-~~unit dwellings./¶
(4) "Infrastructure" means urban water, sanitary sewer, stormwater, and transportation systems./¶
(5) "Local governments" means a city outside a metropolitan service district, with a population of more than ~~10,~~2,500~~0~~ and less than 25,000; a city inside a metropolitan service district, with a population of more than 1,000 and less than 25,000; any city with a population of 25,000 or more; or urban~~y~~ unincorporated ~~portion of a county within a metropolitan service district that is provided with sufficient urban services as defined in ORS 195.065. No other unincorporated areas within urban growth boundaries are included in this definition.~~lands of a county./¶
(6) "Significant infrastructure deficiency" means a local government has met the burden of proof to demonstrate a situation or situations where the following exists:/¶
(a) A local government or service provider is unable to provide acceptable service levels within a developed, or developing, area zoned to allow detached single-unit dwellings; or/¶
(b) A local government or service provider anticipates that it will be unable to provide acceptable service levels by December 31, 2023, based either on extrapolated current development rates alone, or based on extrapolated current rates and additional anticipated middle housing development./¶
(c) There is no single service level for demonstrating a significant infrastructure deficiency for transportation infrastructure. Supporting information regarding the magnitude and severity of the deficiency must support a determination that the deficiency has a significant impact on transportation function or safety in the affected area. Higher street classifications, traffic volumes, and impacts to the function of transportation corridors, rather than a single intersection, will help to support the significance of the transportation deficiency. The severity of safety issues may be supported with information such as crash data, posted speed limits, sight distance at intersections, or similar information./¶
(7) "Time extension" is an IBTER as granted by the department./¶
(8) "Undeveloped or underdeveloped areas" means areas with lot sizes greater than one-half an acre that are zoned to allow single-~~-~~unit detached dwellings and are currently developed at a density of two dwelling units per acre or less./
Statutory/Other Authority: ORS 197.040, ORS 197A.420, OR Laws 2019, chapter 639, section 4(6), compiled as a note after ORS 197A.420
Statutes/Other Implemented: ORS 197A.420, OR Laws 2019, chapter 639, sections 3-4, compiled as a note after ORS 197A.420

AMEND: 660-046-0350

NOTICE FILED DATE: 09/25/2026

RULE SUMMARY: This rule describes the information and analysis required in an IBTER application, as well as the application deadlines as provided in Oregon Laws 2019, chapter 639, section 4.

CHANGES TO RULE:

660-046-0350
Application Submittal Timeline and Requirements
(1) Local governments requesting a time extension must file IBTER applications with the department as follows:/¶
(a) By December 31, 2020, for local governments subject to ORS 197A.420(3) as in effect on January 1, 2023./¶
(b) By June 30, 2021, for local governments subject to ORS 197.~~758(2).~~A.420(2) as in effect on January 1, 2023./¶
(c) By June 30, 2026, only for unincorporated urban lands./¶
(2) Completeness review. Upon receipt of an IBTER application, the department will conduct a preliminary completeness review within 30 calendar days of receipt and notify the local government of any additional materials from section (3) that are required to make a complete application. Within one week of receiving notification of an incomplete application, the local government shall notify the department if it will provide all, some, or none of the requested additional information. If no additional information will be provided by the local government, the review period specified in OAR 660-046-0360(2) will begin upon receipt of the notification from the local government. If additional information is to be provided, the review period specified in OAR 660-046-0360(2) will begin on the date of receipt of the additional information. The local government must submit all requested materials within 60 calendar days of receipt of a request for additional materials. If the local government does not submit some or all of the requested completeness materials within the 60-day period, the review period specified in OAR 660-046-0360(2) will begin on the 61st day from the notification of incompleteness, and the department will evaluate the application based on the information that the local government has submitted by the end of the 60-day period./¶
(3) Required materials. A complete IBTER application from a local government shall include the information described in subsections (a) through (g):/¶
(a) A narrative, graphics, tabular data, and other information as necessary to provide a general description of the significant infrastructure deficiency, including:/¶
(A) A description of the infrastructure and the current system capacity. Relevant information from adopted utility master plans, special area utility plans, capital improvement plans, or similar documents and studies. Also, an identification of the service level that will not be met, including identification of the adopted utility master plan or other authority which establishes the service level./¶
(B) A description of the significant infrastructure deficiency. The application shall clarify if capacity is exceeded currently, or is anticipated by December 31, 2023, based on current development trends; or if the infrastructure is only expected to exceed capacity based on additional impacts from middle housing development pursuant to OAR 660-046-0330(4)./¶
(C) If the local government finds significant infrastructure deficiency would be caused only by additional middle housing development in the area and plans to continue issuing permits for other types of development within the area, a detailed analysis of how and why existing infrastructure can continue to meet the needs of other types of development, but not middle housing./¶
(D) A description of assumptions used to calculate or estimate system capacity. This includes analysis of current impacts on the infrastructure system; impacts from additional development anticipated to occur based on current zoning; and impacts anticipated from the allowance for middle housing in the areas where it is not currently allowed, as more fully described in OAR 660-046-0330(4)./¶
(E) Documentation of the significant infrastructure deficiency sufficient to allow the department to verify that the deficiency exists, including (but not necessarily limited to) items such as; maintenance and complaint records, photographs, modeling results (if available), crash data, a deficiency documented in an adopted utility master plan, or other evidence of deficiency./¶
(b) The name of the service provider if the Infrastructure is owned or operated by another provider, along with a description of any agreements between the local government and service provider for infrastructure improvements./¶
(c) A vicinity map showing the boundary of the impacted areas for which the IBTER is requested. If the local government identifies more than one significant infrastructure deficiency (sewer and transportation, for example), the map should show the boundary of each deficiency separately and any areas of overlap./¶
(d) A regional map, if applicable, showing the significant infrastructure deficiency that otherwise provides service to the area where an IBTER is being requested./¶

(e) If the local government is subject to ORS 197A.420(2), a description of the local government's plan for middle housing implementation in the impacted area, including identification of areas intended for duplex-only provisions, and, as applicable, standards to be applied in goal-protected and constrained areas, and areas intended to accommodate triplexes, quadplexes, townhomes, and cottage cluster developments./¶
(f) A remediation plan that describes the proposed infrastructure improvement(s) intended to remedy the significant infrastructure deficiency so that the local government may implement middle housing provisions. For each infrastructure improvement project, the description should include, at a minimum:/¶
(A) The proposed period of time needed to address the significant infrastructure deficiency, including phasing and contingencies, if applicable./¶
(B) A discussion of the options initially considered for addressing the significant infrastructure deficiency, along with an explanation of how the proposed approach is the most expeditiously feasible approach available to address the deficiency./¶
(C) Explanation of how the improvement project will provide acceptable service levels to anticipated middle housing./¶
(D) Potential funding source(s), including funding commitments from other governmental agencies or private parties, and schedule for project completion./¶
(E) Depiction of the area that will be remedied by the project./¶
(F) Proposed timeline and associated mapping to demonstrate any phasing of the remediation plan where there are several improvement projects identified./¶
(G) A map of all other areas within the local government where middle housing will be implemented during the extension period./¶
(H) If a local government proposes a bond measure or similar financial mechanism that requires voter approval as a means to fund an infrastructure improvement project, a local government may also propose a contingency plan for funding the infrastructure improvement./¶
(g) A narrative detailing how the application is in compliance with the Review Criteria in OAR 660-046-0360(5). In response to criterion in OAR 660-046-0360(5)(d), the local government shall provide a map of the local government's jurisdictional area, depicting US Census tract scores based on the Oregon Housing and Community Services Department's Notice of Funding Availability Scoring Criteria Map:-// (https://geo.maps.arcgis.com/apps/webappviewer/index.html?id=2cb211dbdd3d4cf497d8190283f1402f).-/ The map identifies census tracts within communities that score low, medium, or high in relation to access to opportunity. Those tracts identified as high opportunity areas have a relatively low poverty rate, high labor market engagement index, and a low unemployment rate. Low opportunity areas have a relatively high poverty rate, low labor market engagement index, and a high unemployment rate. The narrative addressing criterion in OAR 660-046-0360(5)(d) must refer to the mapped areas in relation to the review criterion./
Statutory/Other Authority: ORS 197.040, ORS 197A.420, OR Laws 2019, chapter 639, section 4(6), compiled as a note after ORS 197A.420
Statutes/Other Implemented: ORS 197A.420, OR Laws 2019, chapter 639, sections 3-4, compiled as a note after ORS 197A.420