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MEMORANDUM



Lake Oswego Middle Housing Implementation: Comprehensive Plan and Code Audit Summary

TO: Erik Olson, Senior Planner, City of Lake Oswego

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DATE: May 6, 2021

Background and Purpose

The purpose of this memorandum is to summarize the key findings and implications of a preliminary audit of the City of Lake Oswego Comprehensive Plan and Community Development Code. The memo will guide implementation of the requirements associated with Oregon House Bill 2001 (“HB 2001”). HB 2001 requires cities in the Portland metro area and cities with a population over 25,000 to allow Duplexes on every lot where a single-family detached dwelling is allowed and to allow Triplexes, Quadplexes, Townhouses, and Cottage Clusters in areas zoned for residential uses that allow for single-family detached dwellings.

HB 2001 is a landmark legislation in the history of planning and zoning for housing in Oregon. Implementation of the law for the City of Lake Oswego will result in significant changes in how the City regulates residential development. The administrative rules which guide implementation (OAR 660-046, “Middle Housing”) establish stringent and detailed guidelines to ensure the intent of the law is carried out in local zoning regulations.

Organization

The memo first reviews the Comprehensive Plan and summarizes key findings, followed by a detailed analysis of the Community Development Code. Annotated versions of the Comprehensive Plan and Community Development Code are provided in Appendix A and B. These documents highlight specific provisions in the plan and code that may need to be amended to comply with HB 2001. The memo is organized into the following sections:

- 1. Lake Oswego Comprehensive Plan**
 - 1.1 Overview
 - 1.2 Key Findings of Comprehensive Plan Audit
- 2. Lake Oswego Community Development Code**
 - 2.1 Overview
 - 2.2 State Policy Framework

- 2.3 Definitions: What is Middle Housing?
- 2.4 Applicability: Where Do the Requirements Apply?
- 2.5 Allow Uses: What Zones Must Allow Middle Housing?
- 2.6 Locations: What Lots Must Middle Allow Middle Housing?
- 2.7 Dimensional Standards
- 2.8 Off-Street Parking
- 2.9 Design Standards
- 2.10 Special Provisions for Conversions of Single-Family Dwellings

Appendix A: Annotated Comprehensive Plan

Appendix B: Annotated Community Development Code

1. Lake Oswego Comprehensive Plan

1.1 Overview

The following language is used to describe Lake Oswego’s Comprehensive Plan:

“Land use planning involves the consideration and balancing of many different factors and issues to make the best decisions for the community both for the short and long term. The goals, policies and action measures of Lake Oswego’s Comprehensive Plan are intended to guide the community in making these decisions. The Plan is intended for use by all those who participate in the City’s land use planning process, including local officials, persons with development interests, state, regional and federal agencies, neighborhood and community groups, and citizens representing all interests.”

Volume I of the Comprehensive Plan includes regulatory goals, policies and maps created to guide land use decisions related to major developments, zone changes, and the City’s land use regulations. The chapters of the Comprehensive Plan that most closely relate to HB 2001 are the (A) Land Use Planning, (B) Inspiring Spaces and Places, and (C) Complete Neighborhoods and Housing chapters, though several other sections include relevant language, goals and policies. Volume II of the Comprehensive Plan contains Neighborhood and Special District Plans, which have been addressed separately in the Neighborhood Plans Summary.

The following is a summary of key issues with Comprehensive Plan language, including goals, policies, and action measures, related to implementation of HB 2001.

1.2 Key Findings of Comprehensive Plan Audit

Comprehensive Plan Map

The Comprehensive Plan Map defines residential zones largely according to sq. ft. area per unit. HB 2001 exempts Duplexes and other types of middle housing from density maximums. The Comprehensive Plan Map should be amended to eliminate these conflicts.

References to Density

Middle housing may blur the distinction between Low Density and Medium Density designations. Consider either eliminating references to residential density within the Comprehensive Plan or classify it more simply as either lower or higher density or intensity. References to “appropriate density” should be replaced by references to physical form, scale and character. Language that promotes a notion of distinct Low, Medium, and High-density residential development that is segregated in separate areas should be removed from the Comprehensive Plan entirely to avoid conflicts with HB 2001.

Use of “Single-Family Neighborhood” and “Single-Family Lot”

There is some language in the Comprehensive Plan referencing single-family neighborhoods and lots. Under HB 2001, the City will no longer be allowed to maintain zones which exclusively allow single-family housing, and all residential zones that allow single-family housing will be required to also allow a range of middle housing types. For clarity, it may be appropriate to replace the term “single-family” anywhere it is used to describe an entire neighborhood or lot type. Alternative terms could be “low density” or “low intensity” neighborhoods and lot types. This conflict does not apply to the term “single-family dwelling”, which will remain a permitted use in many, if not all, of Lake Oswego’s residential zones.

Use of “Neighborhood Character” and “Neighborhood Integrity”

It may be helpful to adopt parts or all of the Neighborhood Character Report into the Comprehensive Plan to clarify what is meant or implied by terms like character and integrity, as relates to neighborhoods. Neighborhood character is subjective, and each person may define the character of their neighborhood in unique ways. However, when thinking about how future housing could integrate well within existing neighborhoods, there are a few key elements of the physical environment of neighborhoods that can serve as a guide. The Neighborhood Character Report defines four key elements of neighborhood character: (A) Landform, Nature, and Open Space, (B) Street and Block Pattern, (C) Lot Pattern and Building Placement, and (D) Building Form. Though they do not exclusively define neighborhood character, the broad patterns of these elements that occur across neighborhoods will help to inform updates to codes and regulations for future middle housing.

Goals and Policies

Minor amendments may be needed to existing goals and policies to eliminate references to designated density, to clarify how they apply to middle housing, and to explain what is meant or implied by terms like “neighborhood character.” See the Annotated Comprehensive Plan for specific policies that may need amendments.

- **Complete Neighborhoods and Housing Policy A. Housing Location and Quality:** Major revisions are needed to this policy to incorporate additional housing types and density exemptions per zone that are allowed under HB 2001.
- **New Goals and Policies:** Implementing HB 2001 will constitute a major shift in the manner in which the City regulates residential development. Accordingly, it is appropriate to draft new goals and policies to articulate the City’s approach and preferences for how middle housing is developed in the City, within the confines of new state law. At a minimum, new policies should address:
 - *Housing Options and Affordability:* How middle housing types present an opportunity to provide additional housing options and potentially more affordable housing types. This policy may relate middle housing to the housing needs identified in the Housing Needs Analysis.
 - *Middle Housing in Existing Neighborhoods:* How new middle housing developments should be integrated into existing residential neighborhoods and be compatible with existing neighborhood character and development patterns.
 - *Middle Housing in Growth Areas:* How middle housing will be developed on larger vacant and partially vacant residential land within the Urban Services Boundary.

Updated Housing Needs Analysis

HB 2003 requires Lake Oswego to adopt an updated housing Needs Analysis (HNA) by December 31, 2023. That process will present an opportunity to provide updated data related to housing needs and housing capacity in the Complete Neighborhoods and Housing chapter.

2. Lake Oswego Community Development Code

2.1 Overview

The primary purpose of this initial review of the Lake Oswego Community Development Code (LOC Chapter 50) is to identify provisions that are subject to HB 2001 and evaluate compliance with the Division 46 middle housing rules. In some cases, as outlined in the State Policy Framework section below, Division 46 allows for multiple options or “approval tracks” for satisfying the intent of HB 2001. Generally, at this stage of the project, it is only feasible to assess whether the code meets the criteria “minimum compliance” provisions of Division 46. The “performance metrics” or “alternative design and development standards” approval tracks require a detailed spatial or economic analysis of a specific set of proposed standards, which are not yet developed.

2.2 State Policy Framework

The intent of HB 2001 is to support the development of a wider range of housing types, especially housing types and sizes that tend to cost less than larger dwellings. These housing types can be more affordable and meet the housing needs of many younger people, older people, and households who cannot afford a large, detached house.

Administrative Rules

The Department of Land Conservation and Development (DLCD) developed a set of administrative rules that specify how local governments will satisfy the broad intent of HB 2001. The rules, adopted by the State Land Conservation and Development Commission in December 2020, are contained in Division 46 of Chapter 660 of the Oregon Administrative Rules (OAR 660-046, “Middle Housing”). These rules are referred to as “Division 46” or “middle housing rules” in this memo.

Model Code

The legislation tasked DLCD with preparing a Model Code for middle housing. The Model Code has two primary purposes. It serves as both a “benchmark” and a “backstop”:

- **Benchmark:** The Model Code provides a benchmark against which local middle housing regulations can be compared to establish compliance with HB 2001. The administrative rules specify when the provisions of the Model Code will be used as a benchmark for compliance.
- **Backstop:** If a city does not adopt middle housing regulations that comply with Division 46 by June 30, 2022, then the Model Code automatically supersedes any existing, local regulations that apply to middle housing.

Additionally, a city could elect to adopt the Model Code in its entirety in order to comply with Division 46. Provisions of the Model Code are referenced in this memo; however, this memo primarily focuses on evaluating the Community Development Code against the Division 46 minimum compliance provisions. The Model Code represents one set of regulations that comply with Division 46, but there are other ways for a City to comply. A summary of those follows.

Pathways to Compliance

There are four different ways to comply with Division 46:

- Adopt the **Model Code**
- Adopt code updates to meet the **minimum compliance** provisions outlined in Division 46
- Adopt standards (for lot size and density) that meet specific **performance metrics**. An analysis and findings will be required to demonstrate an equitable distribution on lots throughout the city to ensure the new standards meet the intent of HB 2001.
- Adopt **alternative standards** (for the siting and design of middle housing). Other relevant minimum compliance provisions beyond siting and design standards must also be adopted. An analysis and findings will be required to demonstrate that those standards will not cause “unreasonable costs or delay” in permitting middle housing.

It is important to note that the City has fewer options for regulating Duplexes compared to other middle housing types. For Duplexes, the City must either meet the minimum compliance provisions or adopt provisions of the Model Code that apply to Duplexes. Under either approach, local jurisdictions subject to HB 2001 must permit one duplex on every lot where single-family detached dwellings are permitted. They may regulate the siting and design of duplexes, provided that the regulations are

clear and objective, are not more restrictive than those that apply to single-family detached homes, and do not discourage the development of duplexes through unreasonable cost and delay (OAR 660-046-0110 through OAR 660-046-0130).

2.3 Definitions: What is Middle Housing?

The concept of middle housing refers to a wide range of housing types of a scale and density that fall between detached, single dwellings and multi-unit apartment buildings. For the last half-century municipal zoning codes have largely prohibited these housing types in areas where single dwellings are allowed, which is why middle housing is often called “missing middle housing.”

For the purpose of House Bill 2001 the state more narrowly defined the term middle housing in HB 2001. HB 2001 defines middle housing to include Duplexes, Triplexes, Quadplexes, Townhouses, and Cottage Clusters. Within this document, “higher level middle housing” is used to mean all middle housing types other than duplexes. Duplexes are treated distinctly from other middle housing types in terms of required allowances under Division 46. Division 46 provides precise definitions for each housing type. To comply with Division 46 rules, the City must understand how they relate to existing definitions in the Lake Oswego Community Development Code.

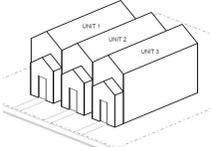
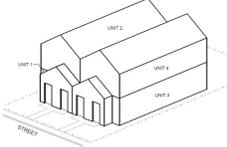
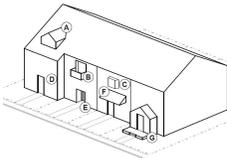
Table 1 compares the definitions in Division 46 with the terms defined in the LOC. Generally, the definitions in the LOC are consistent with the definitions of Division 46, but some amendments will be needed to add new definitions or clarify existing definitions. Key issues are summarized below.

- **Separating Triplex and Quadplex from multi-family.** A Triplex or Quadplex would currently be included in the definition of Multi-Family Dwelling. The general intent of HB 2001 and Division 46 is that these housing types be regulated more like a single-family house. In order to tailor regulations to these housing types, and not apply them to all Multi-Family Dwellings, it is recommended that separate definitions be added for Triplex and Quadplex.
- **Allowing Duplexes, Triplexes or Quadplexes as multiple detached dwelling units on a lot, in a variety of configurations.** Division 46 definitions do not require units be attached in a Duplex, Triplex, or Quadplex. LOC definitions for Duplex and Multi-Family Dwelling require units be attached. Allowing for detached units is not required by Division 46, but it would provide more flexibility for creating different styles of housing for different household preferences or needs. The concept of a site with 2-4 detached units on the same lot is similar to a Cottage Cluster (see below) but at a smaller scale. If the City did elect to allow for detached multi-plex units, then any design and development standards proposed for these housing types should be considered alongside the standards that apply to a Cottage Cluster to ensure there is a rational basis for having separate set of standards.
- **Adding a definition for Cottage Cluster.** There is no definition in the LOC today that is equivalent to a Cottage Cluster because the use is not permitted. It is recommended that a definition be added so that when Cottage Cluster is allowed as required by HB 2001 the housing type can be regulated separately from other housing types.
- **Revising definition for Courtyard.** The LOC includes a definition for the term “Courtyard”. There is no definition for this term in Division 46 but the term is used in the definition of

Cottage Cluster. If that term is used in the proposed LOC definition of Cottage Cluster or any standards that apply to Cottage Cluster, then the definition of Courtyard should be reviewed to ensure it is appropriate.

- **Adding a definition for Townhouse Project.** Division 46 includes a definition for “Townhouse Project” that refers to the entire site upon which a set of attached Townhouses is proposed or constructed. This definition is necessary because it may be necessary to apply some standards to the entire site or project and not to individual lots or Townhouse units. See discussion of lot coverage and Floor Area Ratio (FAR) below.

Table 1. Analysis of Middle Housing Definitions

OAR Division 46 Definition		LOC Definitions
	<p><u>Duplex</u></p> <p>Two attached dwelling units on a Lot or Parcel. A city may define a Duplex to include two detached dwelling units on a Lot or Parcel.</p>	<p><u>Duplex</u></p> <p>A single detached building on its own lot designed to contain two dwelling units.</p> <p><i>Note:</i> Lake Oswego code would require units to be attached, while Division 46 would allow for detached units.</p>
	<p><u>Triplex</u></p> <p>Three attached dwelling units on a Lot or Parcel. A city may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.</p>	<p><u>Dwelling, Multi-Family</u></p> <p>A building on one or more lots designed to contain three or more dwelling units that share common walls or floor/ceilings with one or more units. The land underneath the structure is not divided into separate lots. "Multi-family dwelling" includes structures commonly called garden apartments, apartments and condominiums.</p>
	<p><u>Quadplex</u></p> <p>Four attached dwelling units on a Lot or Parcel. A city may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.</p>	<p><i>Note:</i> Lake Oswego code would require units to be attached, while Division 46 would allow for detached units.</p>
	<p><u>Townhouse</u></p> <p>A dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at</p>	<p><u>Dwelling, Attached Townhome</u></p> <p>Two or more attached single-family dwelling units, with each unit located on its own lot, sharing side-by-side common wall(s), with no dwelling units sharing common horizontal</p>

OAR Division 46 Definition		LOC Definitions
	<p>least one common wall with an adjacent dwelling unit.</p> <p><u>Townhouse Project</u> 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.</p>	<p>surfaces. The common wall shall consist of a structural wall that is shared for at least 25% of the length of the side of each dwelling unit. An attached townhome is also called a rowhouse, Townhouse, or a common-wall house.</p>
	<p><u>Cottage Cluster</u> A grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. A city may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.</p>	<p>There is no equivalent definition for Cottage Cluster in the Lake Oswego code.</p>

2.4 Applicability: Where Do the Requirements Apply?

Division 46 applies to any zoning district that meets the following three criteria:

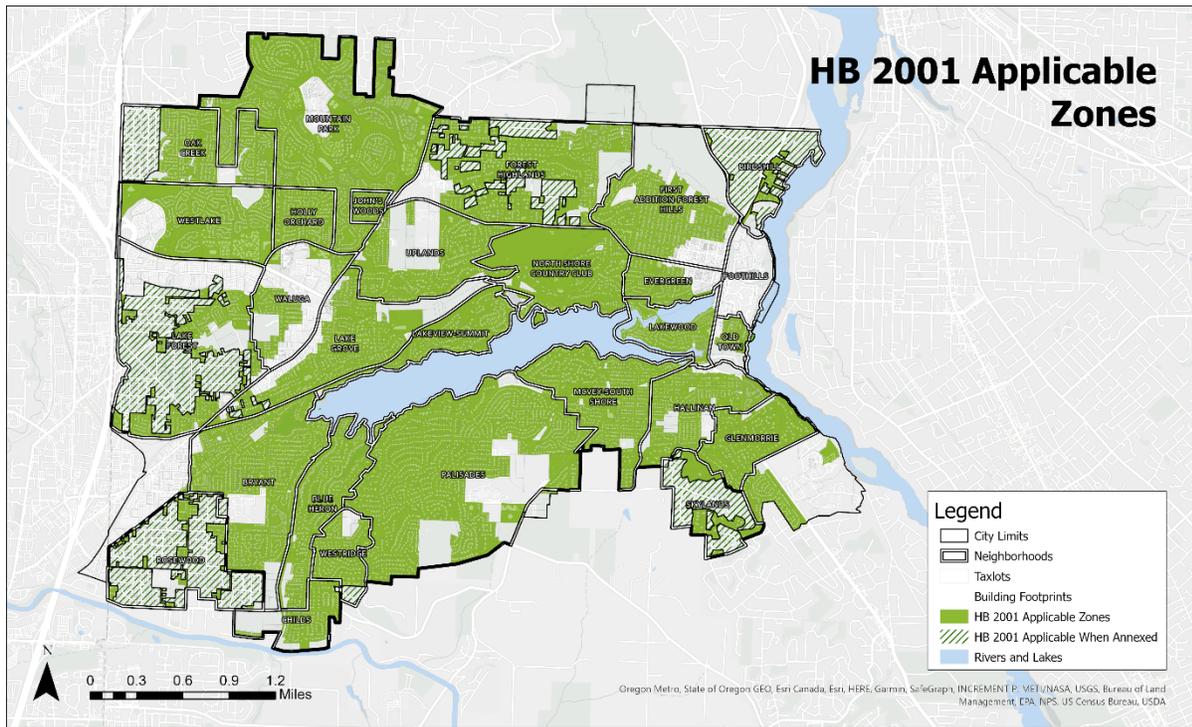
1. The district is implemented by a residential or mixed-use comprehensive plan designation;
2. The district is intended primarily for residential uses (based on purpose statement and allowed uses); and
3. The district allows single-family detached dwellings as a permitted use.

The following zoning districts in Lake Oswego meet these criteria for applicability of Division 46:

- Residential Low Density: R-15, R-10, and R-7.5.
- Residential Medium Density: R-6, R-5, and R-DD.
- Residential High Density: R-3, R-2, R-0, and R-W.
- Mixed Use/Commercial
 - FMU (Foothills Mixed Use)

The City has some discretion to limit where middle housing is allowed in these zones through siting and design standards applicable to each zone. More broadly, however, the City can limit or prohibit higher level middle housing, under certain conditions, in Goal-Protected Areas and Master Planned Communities, as described below.

Figure 1. Map of Zone Districts Where HB 2001 Applies



Allowed Limitations: Goal-Protected Areas

Division 46 allows the City to prohibit or limit middle housing in areas that are protected under existing Statewide Planning Goals, under certain conditions. In Lake Oswego, these protections are implemented through Chapter 50.05.009: Greenway Management Overlay District, Chapter 50.05.010: Sensitive Lands Overlay District, Chapter 50.05.011: Flood Management Area, Chapter 50.06.006.2: Hillside Protection, and Chapter 50.06.009: Historic Preservation. Table 9 summarizes a preliminary review of these chapters for compliance with Division 46.

Table 2. Analysis of Goal-Protected Areas

Goal-Protected Areas	Applicable LOC Chapters and Notes
<p><u>Goal 5: Natural Resources</u></p> <ul style="list-style-type: none"> • Must apply same regulations to Duplexes as to single-family dwellings. • May limit other middle housing on significant resource sites. 	<p><u>Sensitive Lands Overlay District (50.05.010)</u></p> <p>Amendments are needed to eliminate references to single-family zones and to allow and regulate Duplexes in the same manner as single-family dwellings (50.05.010.6.a.iii; 50.05.010.6.d.i). Minor clarifying amendments may be needed to</p>

Goal-Protected Areas	Applicable LOC Chapters and Notes
	residential density transfer provisions (50.05.010.4.c).
<p><u>Goal 5: Historic Resources</u></p> <p>Must allow all middle housing types on properties where single-family detached dwellings are permitted.</p>	<p><u>Historic Preservation (50.06.009)</u></p> <p>No amendments needed.</p>
<p><u>Goal 7: Natural Hazards</u></p> <ul style="list-style-type: none"> • May limit or prohibit middle housing in floodplains • May limit middle housing in other hazard areas if it presents a greater risk to life or property than the development of detached single-family dwellings¹ 	<p><u>Flood Management Area (50.05.011)</u></p> <p>No amendments needed.</p> <p><u>Hillside Protection (50.06.006.2)</u></p> <p>No amendments needed.</p>
<p><u>Goal 15: Willamette Greenway</u></p>	<p><u>Greenway Management Overlay District (50.05.009)</u></p> <p>In their “HB 2001 Interpretation and Implementation FAQ (updated March 1, 2021)” memo, DLCD states that it is not the Department’s expectation that cities amend Goal 15 related codes as part of middle housing updates, but that they should consider doing so in the future. No amendments are needed at this time, but this issue should be tracked in accordance with future guidance provided by DLCD.</p>

Allowed Limitations: Master Planned Communities

Division 46 allows large cities to regulate master-planned communities somewhat differently than other residentially zoned areas. These areas are typically on the urban fringe and may be called “master plans,” “specific plans,” or “area plans.” Local governments often design and scale public facilities based on these master plans in order to fit the intensity of use. A city could face significant problems if facilities are designed to serve a certain number of dwelling units were instead developed with up to four times those number of units (replacement of expected single-family development with quadplex or townhome development, for example).

Master Planned Communities include any site that meets either of the following criteria:

¹ According to OAR 660-046-0010(3)(b), “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.

- **Adopted or Proposed Master Plan:** A site over 20 acres that is within the City of Lake Oswego or the UGB and that has either adopted or proposed to adopt a master plan.
- **Future Master Plan Areas:** Any site that is added to the Lake Oswego UGB after January 1, 2021 for which the City proposes to adopt a master plan.

If the site meets the definition of a Master Planned Community, then the City may regulate middle housing development as follows:

- **Existing Master Plans – Developed Areas:** In developed areas within an existing master plan, the City may not restrict future redevelopment or conversion of single-family dwellings to any middle housing type.
- **Existing Master Plans – Undeveloped Areas:** In undeveloped areas within an existing master plan, the City may limit middle housing other than duplexes to certain areas or lots, so long as the City permits an overall net density of at least eight (8) units per acre. Duplexes must be permitted on every lot where single-family dwellings are permitted.
- **Future Master Plans:** The City may not limit the location of any middle housing types, but it may limit overall new density to no less than 15 dwelling units per acre. Additionally, the City is required to plan to provide urban water, sanitary sewer, stormwater, and transportation systems that accommodate at least 15 units per acre in the Master Planned Community. If an applicant proposes densities exceeding those assumed for infrastructure planning purposes, the City may require the applicant to demonstrate there are sufficient public services for the development.

To be classified as a master-planned community, a site must be over 20 acres in size, within or adjacent to the City, and must have a proposed or adopted master plan. Some areas within Lake Oswego’s planning jurisdiction may meet the definition of a “master planned community” under Division 46, including: Mountain Park PUD, Westlake PUD, and Village on the Lake PUD.

It is unclear whether these and other PUDs in Lake Oswego include undeveloped areas. As noted above, these areas are not subject to the general Division 46 requirements, but the City must meet the special provisions for existing, previously approved Master Planned Communities. As such, the City must allow these previously approved PUDs to be amended by the applicant to allow for (1) an overall net density of at least 8 dwelling units per acre and (2) allow for the development of a duplex on every lot.

To implement this change, it is recommended that the City amend LOC 50.07.006 (Overall Development Plan and Schedule) to identify that any previously approved PUD can be amended to use these Master Planned Community allowances.

2.5 Allow Uses: What Zones Must Allow Middle Housing?

The intent of HB 2001 is that middle housing types be allowed broadly in most residential zones. Division 46 specifies that middle housing types must be allowed and subject to the same approval processes as single-family detached dwellings in that zone.

Table 3 summarizes the relevant allowed uses in each zone where HB 2001 applies in Lake Oswego, identifies the middle housing types that would be classified within that use, and identifies whether the existing use regulations and approval processes comply with Division 46.

Complying with Division 46 will require varying degrees of change for different residential zones. In all zones, compliance will imply some degree of a shift in the current policy intent of the zone. The zones could be separated into three categories based on the magnitude of this policy shift:

- **Significant policy shift:** R-15, R-10, R-7.5, R-6, R-W. These zones are generally limited to single-family detached dwellings exclusively today. No middle housing types are permitted, with the exception of zero lot line homes, a limited form of a Townhouse. The R-W (Cabana Waterfront) zone consists of homes built over Oswego Lake.)
- **Moderate policy shift:** R-2. This zone is limited to the First Addition Neighborhood. It allows Duplexes and Townhouses, but not any other middle housing types.
- **Minor policy shift:** R-5, R-DD, R-3, R-0, FMU. These zones allow Duplexes, Townhouses, and Triplexes/Quadplexes; however, they do not explicitly allow for Cottage Cluster housing. *The FMU zone is reserved for future rezoning in the Foothills District. Presently it does not apply to any lots.*

Table 3. Analysis of Use Regulations

Lake Oswego Housing Type	Dwelling, Single Family	Duplex	Dwelling, Townhome	Dwelling, Multi-Family	None	
Division 46 Middle Housing Type(s)	N/A	Duplex	Townhouse	Triplex/Quadplex	Cottage Cluster	
Applicable Zones	R-15	P	N	N	N	[N/A]
	R-10	P	N	N	N	[N/A]
	R-7.5	P	N	N	N	[N/A]
	R-6	P	N	N	N	[N/A]
	R-5	P	P	P	P	[N/A]
	R-DD	P	P	P	P	[N/A]
	R-W	P	N	N	N	[N/A]
	R-3	P	P	P	P	[N/A]
	R-2	P	P	P	N	[N/A]
	R-0	P	P	P	P	[N/A]
	FMU	P	P	P	P	[N/A]
Complies with Division 46			Does not comply with Division 46		Partially complies with Division 46	
P = Permitted use N = Use not permitted [N/A] = Use/housing type not listed						

Review Procedures

Division 46 requires that middle housing types be subject to the same review procedures that single-family dwellings are subject to in the same zone. Broadly, LOC 50.007.003 establishes three types of development decisions: Ministerial, Minor, and Major.

- **Ministerial:** Generally required for construction of a single-family dwelling, zero lot line dwelling or Duplex, with some exceptions in certain zones or situations.
- **Minor:** Required for construction of a Triplex or Quadplex (multi-family dwellings) or Townhouses, as well as single-family dwellings or Duplexes in the R-DD zone. Subdivisions and partitions are also classified as Minor developments.
- **Major:** Generally required for conditional use applications, rezoning, and phased development.

Under this system, all middle housing types except Duplexes would be classified as a Minor development, while single-family dwellings are classified as Ministerial. To comply with Division 46, the City must either elevate construction of a single-family dwelling to a Minor decision or amend definitions to classify development of a single Triplex, Quadplex, or Townhouse as a Ministerial decision.

The construction of Townhouses will nearly always be accompanied by a partition or subdivision application to create the individual Townhouse lots, and thus would be subject to a Minor decision. Because this same review procedure would apply to the subdivision associated with the construction of multiple single-family dwellings, this complies with Division 46. However, the review of a partition or subdivision is limited to approval of new lots, required infrastructure, and associated tree removal only; it does not consider the siting or design of Townhouse buildings, which are reviewed separately. The siting and design standards for Townhouses must similarly comply with Division 46, for example by not being more restrictive than the standards applicable to single-family detached dwellings.

2.6 Locations: What Lots Must Allow Middle Housing?

The City has some discretion in regulating where and how middle housing can be developed. Conventionally, the locations and lots where middle housing types are allowed have been regulated either through minimum lot size, maximum density, and location-based criteria, such as limiting Duplexes to corner lots. These standards are often barriers to broader development of middle housing, however. For this reason, the minimum compliance provisions of Division 46 establish relatively stringent limitations on minimum lot size and maximum density standards.

Division 46 does not provide discretion to the City to limit the location of Duplexes. The City must allow Duplexes on every lot where a single-family detached dwelling is allowed, including any existing, non-conforming lots where a single-family detached dwelling would be allowed, and allow conversion of, or addition to, any existing non-conforming single-family detached dwellings into Duplexes, provided it does not increase non-conformance.

Maximum Density

Maximum density provisions apply in the following zones: R-15, R-10, R-7.5, R-5, R-DD, R-W, and R-3 zones. Division 46 minimum compliance provisions prohibit cities from applying maximum density standards to all middle housing types, except Townhouses. The maximum density for Townhouses must be at least four (4) times the density applied to single-family dwellings in that zone or 25 units/acre, whichever is less. Table 4 identifies the zones that have a maximum density standard and the minimum *maximum density* that could be required for Townhouses under Division 46.

If the City elects to comply with the minimum compliance provisions for lot size and density, an exception to maximum density standards will need to be granted for Duplexes, Triplexes, Quadplexes, and Cottage Cluster housing. This will complicate the calculation of the density of any proposed subdivision that includes middle housing types and may render the maximum density standard unnecessary or ineffectual. The City may continue to apply a minimum lot area requirement for these housing types, which will effectively control density to some degree. Potential solutions to this challenge will be identified in the Middle Housing Opportunities Report.

Minimum Density

Minimum compliance provisions of Division 46 also require cities to establish a minimum density for Cottage Cluster projects of at least four (4) units per acre. Existing minimum density standards currently require more than four (4) units per acre in nearly all zones. As identified in Table 4, the R-15 and R-10 zone may need to apply a special, higher minimum density to Cottage Cluster projects.

Table 4. Analysis of Density Standards

Applicable Zone	Min Lot Area (per unit)	Max Density (units/acre) ¹	Division 46 Minimum “Max Density” for Townhouses ²	Minimum Density (units/acre)	Division 46 Special Min. Density Required for Cottage Cluster?
R-15	15,000	2.3	9.3	1.9	Yes
R-10	10,000	3.5	13.9	2.8	Yes
R-7.5	7,500	4.6	18.6	3.7	Yes
R-6	6,000	6.0	23.2	4.6	No
R-5	5,000	7.0	27.9	5.6	No
R-DD	2,000	17.0	25.0	13.9	No
R-W	3,375	10.0	25.0	8.3	No
R-3	3,375	10.0	25.0	8.3	No
R-2	None	None	25.0	12.0	No
R-0	None	None	25.0	20.0	No
FMU	None	None	25.0	6.0	No
	Complies with Division 46			Does not comply with Division 46	

¹ Assumes 80% of gross area is net buildable area, and rounded to nearest tenth of a unit.
² Must be least four (4) times the density applied to single-family dwellings or 25 units/acre, whichever is less

³ Must require a minimum density of at least 4 dwelling units per acre for Cottage Cluster developments.

Minimum Lot Area

Table 5 provides an analysis of minimum lot area standards in the applicable zones with the minimum compliance provisions of Division 46. Zones where middle housing is not permitted are marked as “N/A” because it is unclear what minimum lot area would apply should the housing type be permitted.

Middle housing types are permitted in several of the medium and high-density residential zones; however, the minimum lot area requirements all exceed that which is allowed under Division 46 minimum compliance. The only standard that complies is for a Duplex in the R-DD zone, which has the same minimum lot area as a single-family house. In most of these zones, the minimum lot area scales up uniformly by the number of units that are on the lot. This type of “equivalent density” approach is not permissible under Division 46 which is written to allow for more units on the same size lots as what is allowed for single-family houses.

Table 5. Analysis of Minimum Lot Area Standards

Lake Oswego Use Category		Dwelling, Single Family Detached	Duplex	Dwelling, Attached Townhome	Dwelling, Multi-Family		None
Division 46 Housing Type(s)		N/A	Duplex ¹	Townhouse ²	Triplex ³	Quadplex ⁴	Cottage Cluster ⁴
Applicable Zones	R-15	15,000	[N/A]	[N/A]	[N/A]	[N/A]	[N/A]
	R-10	10,000	[N/A]	[N/A]	[N/A]	[N/A]	[N/A]
	R-7.5	7,500	[N/A]	[N/A]	[N/A]	[N/A]	[N/A]
	R-6	6,000	[N/A]	[N/A]	[N/A]	[N/A]	[N/A]
	R-5	5,000	10,000	5,000	15,000	20,000	[N/A]
	R-DD	5,000	5,000	5,000	15,000	15,000	[N/A]
	R-W	3,375	6,750	3,375	10,125	13,500	[N/A]
	R-3	3,375	6,750	3,375	10,125	13,500	[N/A]
	R-2	None	None	None	None	None	[N/A]
	R-0	None	None	None	None	None	[N/A]
	FMU	None	None	None	None	None	[N/A]
Complies with Division 46				Does not comply with Division 46			
[N/A] = Housing type is not allowed in that district so no applicable min lot area standard							
¹ Duplex minimum lot area must be no greater than single-family detached minimum lot area. ² Townhouse minimum lot area must be no greater than 1,500 square feet ³ Triplex minimum lot area must be no greater than 5,000 square feet, or single-family detached minimum lot area, whichever is more ⁴ Quadplex and Cottage Cluster minimum lot area must be no greater than 7,000 square feet, or single-family detached minimum lot area, whichever is more							

Most of the high density or mixed-use zones do not apply a minimum lot area standard. Division 46 does not require cities to establish a minimum lot area for middle housing types, so these standards do not need to be amended.

It is important to note that the City is not strictly required to satisfy the minimum compliance provisions. Alternatively, it may choose to adopt standards for lot size and density to meet the performance metric pathway, which generally require middle housing to be allowed on 50-80% of applicable lots, depending on the housing type.

2.7 Dimensional Standards

Overview

Maximum height, minimum setbacks, maximum lot coverage, FAR, and other related standards, establish the basic building envelope on a given lot. The minimum compliance provisions generally prohibit cities from applying more restrictive standards to middle housing than single-family detached dwellings.

An underlying premise of the rules is that middle housing types can be constructed within a similar building envelope as a single-family detached dwelling, but the units would be smaller. This is likely to produce middle housing projects that are more compatible with the basic form and scale of single-family detached dwellings. Additionally, smaller dwelling units also tend to cost less to build, so allowing more units within a similar building envelope is consistent with the overall intent of HB 2001 to provide more affordable housing options even if the units do not meet the definition of affordable or have below-market rate rents.

Most of the existing height, setback, lot coverage, and FAR standards in the LOC that apply to middle housing types are equivalent to or not more restrictive than what applies to single-family detached dwellings. In some zones, it is unclear what standard would apply given that middle housing types are not permitted. So long as any proposed standards apply an equivalent or less restrictive standard to middle housing than what applies to single-family detached dwellings, it will not be difficult to meet the minimum compliance provisions.

Still, there are some standards which may need to be amended to comply with Division 46 or to ensure that middle housing developments are compatible with existing character of various neighborhoods. Key issues are identified below.

Max Height

Division 46 generally requires that that maximum height for middle housing be no lower than the standard applied to single-family dwellings and no lower than 25 feet. Only two instances were found where a LOC height regulation did not meet this standard:

- **RW Zone:** Height is limited in the R-W zone to 24 feet above the surface elevation of Oswego Lake. This standard may need to be increased to 25 feet.
- **Height exceptions for wider setbacks.** In most residential zones, single-family dwellings are permitted to exceed the base height by 1 foot for every additional 5 feet of yard setback on all sides of the building. This allowance may need to be granted to middle housing (or removed) to comply with Division 46.

Maximum building heights are carefully regulated in the LOC. They vary by base zone, site topography, and, in some cases, by the specific location on the site. Height regulations can be found in the base zones, overlay zones, design districts, and in the Building Design Standards (LOC 50.06.001). Yet, some community members have reported that newer infill developments tend to be much taller than existing housing and “out of scale” with the character of the neighborhood. The City’s complex height regulations seem intended to address this issue but may not be effective in all cases. This issue may occur more frequently with middle housing as developers may find it more profitable to maximize height and floor area of the site when multiple, attached units are permitted. Alternative approaches to regulating height will be identified in the Middle Housing Opportunities Report.

Setbacks

Division 46 generally requires that cities apply the same or less restrictive setbacks to middle housing as apply to single-family housing. The LOC currently does not generally require greater setbacks for middle housing types than for single-family housing. However, there are several issues that must be resolved to bring existing setbacks standards into compliance with Division 46:

- **Side setbacks for Townhouses:** In zones that do not currently allow Townhouses, side setbacks are required. Setbacks along lot lines between attached units will need to be exempt from any side setbacks of the zone.
- **Setbacks on sloped lots:** The LOC requires a special front setback of 18 feet for detached dwellings on steeply sloped lots in several zones. This provision should be amended to clarify if it applies to middle housing types.
- **Old Town (R-DD) setbacks:** The R-DD Yard Setback Standards in LOC 50.04.001.2 are greater for duplexes and multifamily dwellings than for single-family homes. This will need to be amended to comply with Division 46.
- **Cottage Cluster setbacks:** Division 46 prohibits cities from requiring a perimeter setback of greater than 10 feet to any Cottage Cluster site. Many zones require a side or rear setback of 20 feet. Cottage Clusters must be exempt from these base zone requirements and allowed a 10-foot setback.

Lot Coverage and FAR

Division 46 generally requires that cities not establish more restrictive limits lot coverage, FAR, or other regulations that limit the bulk and scale of middle housing greater than single-family housing. The LOC primarily regulates bulk and scale through maximum lot coverage and maximum floor area or FAR standards. These standards vary by zone, lot size, and building height but generally do not vary by housing type. Where standards do vary by housing type, they are less restrictive for middle housing types than for single-family dwellings. This generally complies with Division 46.

As with other dimensional standards, amendments will still be required to clarify how lot coverage and FAR standards apply to middle housing and to provide certain exemptions:

- **Townhouse standards should apply to the site rather than individual lots.** Because the interior units in a Townhouse site do not have side yards, and corner townhome lots tend to

be larger than interior townhome lots, it will be more challenging for those units to meet the same lot coverage or FAR standard that applies to a single-family detached dwelling. Division 46 minimum compliance requires that any limits on bulk and scale cannot “cumulatively or individually limit the bulk and scale of the *cumulative Townhouse Project* greater than that of a single-family detached dwelling” (OAR 660-046-0220). It could be interpreted that applying the same lot coverage or FAR standard to *each Townhouse lot* that applies to single-family dwellings places a greater effective limit on interior lots. Table 6 provides an example of how applying standards to each lot unnecessarily restricts what can be built on an interior lot and may result in more complex and expensive building forms. To address this issue, it is recommended that the City apply bulk and scale controls to the entire Townhouse site, not to individual lots.

- Cottage Clusters must be exempt from lot coverage or FAR limits.** Instead, the bulk and scale of a Cottage Cluster is typically controlled with standards for maximum building footprint of each cottage and the minimum open space requirements that are inherent in this format. For this reason, Division 46 prohibits cities from applying additional lot coverage or FAR limits on Cottage Clusters. This exemption will need to be provided in the LOC.

Table 6. Example of Lot Coverage Standard Applied to Individual Townhouse Lots vs. Entire Site

Unit or Site	Lot Width	Lot Depth	Lot Area	Standard Applied to Site		Standard Applied to Each Lot	
				Bldg. Footprint	Lot Coverage	Bldg Footprint	Lot Coverage
Unit 1	25	100	2500	700	28%	875	35%
Unit 2	15	100	1500	700	47%	525	35%
Unit 3	15	100	1500	700	47%	525	35%
Unit 4	25	100	2500	700	28%	875	35%
Site	80	100	8000	2800	35%	2800	35%

More broadly, as shown by the Neighborhood Character Report, existing lot coverages and FAR may be significantly lower than what is currently permitted by the LOC in some areas. It may be appropriate to scale down allowed lot coverage or FAR to align with the existing pattern established by single family homes, as middle housing developments may be more likely to maximize the size of the building as compared to new single family dwellings. This issue will be explored further in the Middle Housing Opportunities Report.

2.8 Off-Street Parking

Alongside lot size and density restrictions, minimum off-street parking requirements have typically been one of the most significant barriers to developing middle housing types. Off-street parking consumes site area that may otherwise be used for housing and constrains design options on a site. Dedicating site area and constructing parking adds to the cost of housing development and, in some cases, can render a project (especially smaller projects) economically infeasible.

To address this issue, LOC 50.06.002.2.a.iii permits tandem parking in residential developments. However, the Division 46 minimum compliance provisions for off-street parking limit the number of parking spaces that a city may require for each middle housing type. Generally, the standards equate to requiring no more than 1 space per dwelling unit, negating the efficiency provided with tandem spaces in meeting the City’s minimum parking requirements . For Triplexes and Quadplexes on smaller lots, the standards set a lower limit depending on the size of the lot.

General Requirements

The general minimum off-street parking requirement is 1 space per unit for single-family dwellings and Duplexes. For Duplexes, the minimum parking requirement complies with Division 46. However, the Parking Code (50.06.002) requirements for multi-family housing, including Triplexes, Townhouses and Quadplexes, are calculated per bedroom, with a minimum requirement of 1 space per unit for studio/efficiency, 1.25 spaces per unit for 1 bedroom, and 1.5 spaces per unit for 2 or more bedrooms. Minimum compliance provisions of Division 46 do not allow parking requirements to scale up by bedroom if any of the requirements would exceed the per unit cap set by the rules. Thus, the standards for Triplexes, Quadplexes, and Townhouses are not in compliance. The Parking Code does not specifically address Cottage Clusters because they are not an allowed use.

Foothills Mixed Use Zone

The LOC requires 0.5 off-street space per dwelling unit for all residential uses in the Foothills Mixed Use Zone (FMU). While the code is compliant for all Middle Housing on lots 3,000 square feet and greater, the minimum parking requirements for Triplexes and Quadplexes on lots less than 3,000 square feet are not specified in code and therefore do not comply with Division 46 in the FMU zone.

Table 7 below compares the minimum compliance provisions for off-street parking to the City’s equivalent requirement for each middle housing type. The City’s standards meet the minimum compliance provisions for Duplexes but should be changed to separate Middle Housing from multi-family housing and additionally to address parking standards for Cottage Clusters and Townhouses. Outside of the Foothills Mixed Use Zone, the LOC parking standards for all Middle Housing types except Duplexes must be amended to meet the minimum compliance provisions.

Table 7. Analysis of Minimum Off-Street Parking Requirements

Lot Size of Development Site	Middle Housing Type (Division 46 terms)				
	Duplex	Triplex	Quadplex	Townhouses	Cottage Cluster
Division 46 minimum compliance provisions: City cannot require <u>greater</u> than:					
Less than 3,000 sf	2 spaces (total)	1 space (total)	1 space (total)	1 space per unit	1 space per unit
3,000 - 5,000 sf		2 spaces (total)	2 spaces (total)		
5,000 -7,000 sf		3 spaces (total)	3 spaces (total)		
7,000 sf or greater			4 spaces (total)		
Applicable Lake Oswego Minimum Off-Street Parking Requirements: Development must provide <u>no less than</u>:					

FMU (All Residential Use)	0.5 space per unit	0.5 space per unit	0.5 space per unit	0.5 space per unit	[N/A]
Other Areas	1 space per unit	1–1.5 spaces per unit based on bedrooms	1–1.5 spaces per unit based on bedrooms	1–1.5 spaces per unit based on bedrooms	[N/A]
	Complies with Division 46	Does not comply with Division 46			Housing type not defined

2.9 Design Standards

Division 46 allows jurisdictions to apply design standards to middle housing. The minimum compliance provisions provide three options for applying design standards to middle housing:

1. **Model Code:** Adopt the applicable design standards in the Model Code.
2. **Less Restrictive than the Model Code:** Adopt design standards that are less restrictive than those in the Model Code.
3. **Single-Family Detached Standards:** Apply the same clear and objective standards as applied to single-family detached dwellings. The standards must scale with form-based attributes, not the number of dwelling units.

All sections of the LOC that may apply to Division 46 and include design standards were reviewed, including both LOC 50.05 Development Standards and LOC 50.05 Overlay and Design Districts. Standards were reviewed to determine if they currently meet either of the second two criteria listed above: they are less restrictive than the Model Code or the same standards that apply to single-family dwellings are applied to middle housing.

Building Design

Table 8 below identifies the sets of design standards that apply to each middle housing type in each base zone. If the base zone is coterminous with a Design District, those standards are also identified in the table.

The table also identifies whether the cumulative set of design standards which apply to each middle housing type in each base zone complies with Division 46. Generally, the LOC regulates the design of Duplexes in the same manner as single-family dwellings, which meets one of the criteria for compliance with Division 46. The one exception is the Old Town Design District (LOC 50.05.006), which has standards that apply differently to single-family dwellings and Duplexes. Relatively minor amendments would bring these standards into compliance for Duplexes.

The Building Design standards of LOC 50.06.001 apply a different set of standards to Townhouses (with 3 or more units) and multi-family housing (including Triplexes and Quadplexes) than single-family dwellings and Duplexes, however, so this does not meet that approval criteria. The Clear and Objective Standards for Housing (LOC 50.06.001.7) are also more restrictive than the DLCD Model Code for middle housing.

Thus, amendments will be needed to ensure compliance with Division 46. Broadly, the City may either apply the same standards that apply to single-family dwellings (Structure Design - Residential Zones, LOC 50.006.001.2 and Garage Appearance and Location, LOC 50.06.001.4), apply the DLCDC Model Code Standards to Townhouses, Triplexes, and Quadplexes, or create a new set of design standards that are similar to or less restrictive than the Model Code.

Cottage Clusters are not currently addressed in design standards in the LOC because they are not an allowed use. While the City is not required to apply any design standards to Cottage Cluster housing, it would be consistent with general policies related to residential development to do so.

Table 8. Analysis of Building Design Standards (Excludes Overlays and Design Districts)

Lake Oswego Use Category		Dwelling, Single Family Detached	Duplex	Dwelling, Attached Townhome	Dwelling, Multi-Family		None
Division 46 Housing Type(s)		N/A	Duplex	Townhouse	Triplex	Quadplex	Cottage Cluster
Applicable Zones	R-15	Structure Design – Residential Zones		Structure Design – Residential Zones <u>and</u> C&O Standards for Housing		N/A	
	R-10						
	R-7.5						
	R-6	Structure Design – Residential Zones <u>and</u> Additional R-6 Standards	Structure Design – Residential Zones <u>and</u> Additional R-6 Standards <u>and</u> C&O Standards for Housing				
	R-DD	Old Town DD	Old Town DD <u>and</u> C&O Standards for Housing				
	R-W	None	C&O Standards for Housing				
	R-5	Structure Design – Residential Zones					
	R-3	Structure Design – Residential Zones					
	R-2						
	R-0						
	FMU	FMU Building Design Standards					
Complies with Division 46				Does not comply with Division 46			
<p><u>Key:</u> Structure Design – Residential Zones = LOC 50.006.001.2 and 50.06.001.3 Additional R-6 Standards = LOC 50.006.001.4 C&O Standards for Housing = LOC 50.006.001.7 FMU Building Design Standards = LOC 50.006.001.6 Old Town DD = LOC 50.005.006</p>							

In addition to these base zone design standards, there are several Overlay Zones and Design Districts that are subject to Division 46 because they apply to properties in base zones that are subject to Division 46. Several of these zones include design regulations that do not comply with the minimum compliance provisions of Division 46 because they either apply different standards to single-family dwellings and middle housing or they are more restrictive than the standards of the Model Code. These zones are listed below and specific issues are identified in the annotated code documents:

- Evergreen R-7.5 Overlay District (50.05.002)
- Downtown Redevelopment Design District (50.05.004)
- Old Town Neighborhood Design (50.05.006)
- Lake Grove Village Center Overlay District (50.05.007)

Site Design, Circulation, and Parks/Open Space Contributions

The Division 46 definition of “siting and design standards” is broad and encompasses other regulations provided in LOC 50.06 Development Standards, in addition to the building design standards noted above. The following three sections currently apply to multi-family dwellings and to land divisions (subdivisions or partitions). Thus, these standards would apply to the development of a Triplex, Quadplex, or Townhouse but not to the construction of a single-family dwelling.

- **Circulation and Connectivity (50.06.003):**
 - Access/Access lane standards should be amended so as not to apply to middle housing or apply equally to single-family housing and middle housing.
 - Standards for Driveway Grades should be amended so as not to apply to middle housing or apply equally to single-family housing and middle housing.
 - Standards for On-Site Circulation should be amended so as not to apply to middle housing or apply equally to single-family housing and middle housing.
 - Transit System standards for should be amended so as not to apply to middle housing or apply equally to single-family housing and middle housing.
- **Site Design (50.06.004):**
 - Landscaping, Screening, and Buffering standards should be amended so as not to apply to middle housing or apply equally to single-family housing and middle housing.
- **Park and Open Space Contributions (50.06.005)** should be amended so as not to apply to middle housing or apply equally to single-family housing and middle housing.

The standards are also more restrictive than those of the DLCDC Model Code, and therefore the standards that apply to middle housing must be amended.

2.10 Special Provisions for Conversions of Single-Family Dwellings

Division 46 requires cities to treat conversions or additions to existing single-family dwellings to create middle housing differently than new development or wholesale redevelopment of middle housing. The intent is to not discourage conversions by applying standards that, while they may be feasible to comply with on a vacant site, would cause an unreasonable barrier on a site where an existing structure is to be kept and converted or added to.

Division 46 requires cities to provide for the following allowances for conversions of single-family dwellings. Table 9 below identifies the Division 46 requirements and compares them to applicable provisions in the LOC. Unlike the provisions above, Division 46 provides no alternatives to these requirements.

Table 9. Analysis of Special Provisions for Conversions of Single-Family Dwellings

Division 46 Requirement	Applicable LOC Provisions
<p><u>Existing, Non-Conforming Situations</u> Cities must allow additions to, or conversions of, an existing detached single-family dwelling into middle housing, provided that the addition or conversion does not increase nonconformance with applicable clear and objective standards, unless increasing nonconformance is otherwise permitted by the City’s development code, and the conversion must comply with applicable building codes.</p> <p>HB 2001 directed the State Building Codes Division to adopt rules providing for a separate, non-land use approvals process for permitting conversions, which has been adopted.</p>	<p><u>Nonconforming Uses, Structures, Lots and Site Features (50.01.006.3.a)</u> 50.01.006.3.a allows for non-conforming structures to be modified, expanded, or enlarged so long as it does not increase non-conformance. No amendments needed.</p> <p>Approval of alternate means and methods of construction for conversions, as now authorized by the building code, are subject to review and approval by the City’s Building Official.</p>
<p><u>Damage and Reconstruction of Nonconforming Structures</u></p> <p>Division 46 does not address reconstruction of non-conforming structures.</p>	<p><u>Nonconforming Uses, Structures, Lots and Site Features (50.01.006.4.a.)</u> 50.01.006.4.a. allows for reconstruction of damaged or destroyed nonconforming Single-Family and Duplex Dwellings, Accessory Structures, and Historic Landmarks. While Division 46 does not explicitly address reconstruction of non-conforming middle housing, it could be interpreted that any allowances granted to single-family housing should be granted to middle housing.</p> <p>An exception to this general rule is for reconstruction in Goal-Protected Areas. 50.01.006.4.a.ii-iii addresses reconstruction in Flood Management Areas and Sensitive Lands. The City may limit reconstruction of middle housing (other than Duplexes) in these areas more strictly than single-family housing so long as the limitations meet the criteria for allowed limitations in Goal-Protected areas as described in the section above.</p>
<p><u>Public Works Exceptions</u> If exceptions to public works standards, such as frontage improvement requirements, are allowed for a single-family dwelling, the same exception must also be granted for conversion or addition to a single-family dwelling to create middle housing.</p>	<p>No exceptions to public works standards were identified that apply to single-family dwellings. However, under LOC 50.07.003.14 (Minor Development), the City currently has conditioning authority to require or defer public improvements for multifamily and townhouse developments that are not required for approval of single-family detached dwellings under the Ministerial permit</p>

	<p>procedure in LOC 50.07.003.13. This difference will need to be rectified under Division 46.</p>
<p><u>Exempt from Design Standards</u> Cities are not permitted to apply architectural design standards to middle housing types created through conversion or addition to a single-family dwelling.</p> <p>OAR 660-046-0020 defines “Design Standard” as a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.</p> <p>“Siting Standard” is defined as 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.</p>	<p><u>Building Design (50.06.001.1)</u> Design standards related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features such as those found in LOC 50.06.001.3.b may not be applied to conversions or additions to a single-family dwelling under Division 46. However, siting standards such as those found in LOC 50.06.001.2.b are allowed if they are the same or less restrictive than those applied to single-family dwellings. To comply with this Division 46 rule, <u>applicability of design standards in this section should be amended to exclude middle housing types created through conversion or addition to a single-family dwelling.</u></p> <p><u>Lake Grove Village Center Overlay District (50.05.007.3.c.ii)</u> All standards of this overlay apply to new buildings(s) and alterations to existing buildings that do not meet the definition of “remodel.” The definition of “remodel” should be amended to exclude middle housing types created through conversion or addition to a single-family dwelling in order to comply with this Division 46 rule.</p> <p><u>Glenmorrie R-15 Overlay District (50.05.001.5.a.ii)</u> The definition of “remodeling” should be amended to exclude middle housing types created through conversion or addition to a single-family dwelling in order to comply with this Division 46 rule.</p>
<p><u>Existing Single-Family Dwelling in a Cottage Cluster</u> Cities must allow for an existing single-family dwelling to be retained as a unit in a Cottage Cluster development, under certain conditions.</p>	<p>No applicable provisions. This provision will need to be included in any new proposed Cottage Cluster standards.</p>

Appendix A: Annotated Comprehensive Plan

Appendix B: Annotated Community Development Code