



Implementation of HB 2001 and Senate Bill 458

Summary of Proposed Land Development Code (LDC) Amendments

Draft Amendments March 25, 2022 Draft

LDC	Proposed Change	Explanation
16.12.030 Definition	Added definition for triplex, quadplex, cottage cluster. Amended definition for dwelling, dwelling unit, single-family detached dwelling, townhouse, triplex, and multi-family.	Added needed definition for triplex, quadplex, and cottage clusters that are separate from multi-family so the City can apply standards for these housing types that comply with OAR 660-046. Remaining definitions were modified for clarity.
16.12.030 Definition	Added definition for middle housing land division, middle housing child lot, and middle housing parent lot.	The City is required to allow expedited land divisions for middle housing types, per SB 458. The definitions for Middle Housing Land Division, Child Lot, and Parent Lot will help clarify the City’s middle housing land division procedures and requirements.
Table 16.22.020-1 Uses in R-40, R-20, R-15	Added townhome, duplex, triplex, quadplex, cottage cluster as permitted outright. Deleted single-family attached and duplexes as permitted with a PUD. Added note that duplexes, triplexes, quadplexes, and cottage clusters are not permitted on a child lot (i.e., previously subdivided lot from a Middle Housing Land Division).	Duplexes, triplexes, quadplexes, townhomes (single-family attached), and cottage clusters must be permitted outright because single-family detached is permitted outright. Note added explaining the uses apply to the parent lot, prohibiting development of multiple dwelling units on a child lot after a middle housing land division.
Table 16.22.030-1 Uses in R-10, R- 8.5, R-7	Added townhome, duplex, triplex, quadplex, cottage cluster as permitted outright. Deleted single-family attached and duplexes as permitted in a PUD. Deleted allowance for duplexes in certain locations outside of a PUD and associated note. Added note that duplexes, triplexes, quadplex, and cottage clusters are not permitted on a child lot (i.e., previously subdivided lot from a Middle Housing Land Division).	Duplexes, triplexes, quadplexes, townhomes (single-family attached), and cottage clusters must be permitted outright because single-family detached is permitted outright. Deleted requirement only allowing duplexes and triplexes in certain locations. Note added explaining the uses apply to the parent lot, prohibiting development of multiple dwelling units on a child lot after a middle housing land division.
Table 16.22.040-1 Uses in R-5, MUR- 5	Added townhome, duplex, triplex, quadplex, cottage cluster as permitted outright. Deleted townhome, duplex, and triplex as permitted in a PUD. Deleted allowance for duplexes in certain	Duplexes, triplexes, quadplexes, townhomes (single-family attached), and cottage clusters must be permitted outright because single-family detached is permitted outright. Note added explaining the uses apply to the parent lot, prohibiting

	locations outside of a PUD and associated note. Added note that duplexes, triplexes, quadplexes, and cottage clusters are not permitted on a child lot (i.e., previously subdivided lot from a Middle Housing Land Division).	development of multiple dwelling units on a child lot after a middle housing land division.
Table 16.22.050-1 Uses in SFA, MUR-A, VTH	Added cottage clusters and quadplexes as permitted with MUR-A.	Each middle housing type must be permitted in the MUR-A zone because single-family detached is permitted outright (with a maximum floor area within the Happy Valley Town Center Plan Area).
Table 16.22.020-2 Uses in R-40, R-20, R-15	Minimum lot size for duplex, triplex, quadplex, cottage cluster match single-family detached (unchanged). Townhomes have a smaller minimum lot size, modest density, no interior side setback, narrower frontage, larger lot coverage, and are exempt from, lot width. Reduced rear perimeter and side perimeter setbacks for cottage clusters which is also exempt from lot coverage requirements. Standards for middle housing land division applies to parent lot.	The minimum lot size for a duplex, triplex, quadplex, and cottage cluster the same as single-family dwelling. Townhomes are allowed on a smaller lots with modified dimensional standards for feasibility and the density is limited to the extent allowed. Cottage cluster housing is required to be exempt from any lot coverage requirements, and minimum perimeter setbacks for individual units cannot exceed the minimum setback for single-family dwellings or 10 feet if the setback requirement for single-family dwellings exceeds 10 feet. Townhomes are not required to have a minimum street frontage, however if the City chooses to apply those standards, then the minimum cannot exceed 20 feet. Per Senate Bill 458 development standards that are specific to lot size and dimension will only apply to middle housing parent lots.
Table 16.22.030-2 Uses in R-10, R-8.5, R-7	Minimum lot size for duplex, triplex, quadplex, cottage cluster match single-family detached (unchanged). Townhomes have a smaller minimum lot size, modest density, no interior side setback, narrower frontage, larger lot coverage, and are exempt from, lot width. Reduced rear perimeter and side perimeter setbacks for cottage clusters which is also exempt from lot coverage requirements. Standards for middle housing land division applies to parent lot.	The minimum lot size for a duplex, triplex, quadplex, and cottage cluster the same as single-family dwelling. Townhomes are allowed on a smaller lots with modified dimensional standards for feasibility and the density is limited to the extent allowed. Cottage cluster housing is required to be exempt from any lot coverage requirements, and minimum perimeter setbacks for individual units cannot exceed the minimum setback for single-family dwellings or 10 feet if the setback requirement for single-family dwellings exceeds 10 feet. Townhomes are not required to have a minimum street frontage, however if the City chooses to apply those standards, then the minimum cannot exceed 20 feet. Per Senate Bill 458 development standards that are specific to lot size and dimension will only apply to middle housing parent lots.
Table 16.22.040-2 Development Standards in R-5, MUR-5	Minimum lot size for quadplex and cottage cluster larger than single-family detached. Reduced lot size for duplex and triplex. Townhomes have a smaller minimum lot size, alternative density, larger lot coverage, and are exempt from, lot width. Reduced frontage for duplex and triplex. Reduced rear perimeter and side perimeter	The minimum lot size for a duplex, triplex, quadplex the same as single-family dwelling. Minimum lot size for quadplex and cottage cluster larger. Townhomes are allowed on a smaller lots with modified dimensional standards to facilitate attached development and the density is limited to the extent allowed. Cottage cluster housing is required to be exempt from any lot coverage requirements, and minimum perimeter setbacks for individual units cannot exceed the minimum setback for single-family dwellings or 10 feet if the setback requirement for single-

	setbacks for cottage clusters which is also exempt from lot coverage requirements. Standards for middle housing land division applies to parent lot. Removed note for location of duplex or triplex. Standards for middle housing land division applies to parent lot.	family dwellings exceeds 10 feet. Townhomes are not required to have a minimum street frontage, however if the City chooses to apply those standards, then the minimum cannot exceed 20 feet. Per Senate Bill 458 development standards that are specific to lot size and dimension will only apply to middle housing parent lots.
Table 16.22.050-2 Development Standards in SFA, MUR-A, VTH	Added note that duplexes, triplexes, quadplexes, and cottage clusters are exempt from density standards and townhomes have a min density of 25 units per acre. Cottage clusters have no maximum lot coverage and in MUR-A a perimeter setback of 10'. Clarified language regarding townhomes. Lot sizes for townhomes identified.	The minimum lot size for townhouses in the MUR-A zone reduced to 1,500 square feet, and the City cannot apply a maximum lot size to townhouses in this zone. Each middle housing type except for townhomes will need to be exempt from maximum density in the MUR-A zone. Townhomes may have a maximum density of 25 units/acre.
Table 16.43.030-1 Automobile Parking Standards	Reduced minimum parking for single-family attached, duplexes, triplexes, and quadplexes from 2 to 1 per dwelling. Visitor parking not required for housing conversions.	Duplexes, single-family attached, and cottage clusters need to reduce parking requirements to 1 space per unit. While the minimum off-street parking OAR requirement for triplexes and quadplexes is based on lot size, the recommended minimum lot size requirements for each zone meet the lot size thresholds that enable a parking requirement of one space per unit. Therefore, the City can require a minimum of three spaces triplexes and four spaces for quadplexes. The visitor parking provision cannot be applied to these housing types because it would increase the required off-street parking minimum for these housing types.
16.43.030.E.5 Parking Location	Update reference to duplex and add triplex, quadplex, and townhomes to uses where parking can occur in front of the dwelling.	Because off-street parking location is allowed to be in front of a garage for single-family dwellings, the same allowance must apply to triplexes, quadplexes, and townhomes. Cities cannot require off-street parking to be provided as garages.
16.41.040.B Pedestrian Access and Circulation	Exempt single-family attached housing, duplexes, triplexes, quadplexes, and cottage cluster housing from requirement to provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets.	The pedestrian pathway requirement does not comply with the OAR because the exemption is offered to single-family detached, but it is not available for middle housing types. The existing exception must also apply to middle housing types.
16.42.030.B.1 Landscaping Standards	Required 20% of the gross developable lot area of single-family detached dwellings to be landscaped and a minimum of 50 square feet of landscaping in front of single.	The landscaping requirement for middle housing types do not comply with the OAR because these standards do not apply to single-family detached homes. The City recommends retaining the landscaping standard and also applying it to single-family detached homes.
16.42.080.B Shared Outdoor Recreation Areas	Removed recreation area exemption for attached housing, duplexes, triplexes and clarified multifamily exemption subject to 16.44.010.C.9.	Middle housing types will no longer be considered "multi-family", and therefore will no longer be subject to the existing outdoor recreation requirements of Section 16.44.010(C)(9). Removed the existing outdoor recreation middle housing

		exemption for subdivisions to better enable middle housing types to integrate with single-family subdivisions and provide shared open space and recreation opportunities for residents of these housing types.
16.44.010.A Design Standards for Multifamily Housing, Single-Family Attached Housing, Duplexes and Triplexes and Single-Family Detached Structures Utilizing Alley Access	Section removed.	To the extent that these design standards do not apply to single-family detached housing, they also cannot be applied to duplexes, triplexes, quadplexes, single-family attached, or cottage cluster housing, unless the standards are justified as alternative design standards (per OAR 660-046-0235). Alternatively, all the design standards in this section that currently only apply to middle housing types could also apply to single-family detached. Moved 16.44.010.A to the proposed middle housing design standards section in order to consolidate the existing middle housing design standards with proposed/Model Code standards for plexes and townhomes.
16.44.010.B-C Design Standards for Multifamily Housing, Single-Family Attached Housing, Duplexes and Triplexes and Single-Family Detached Structures Utilizing Alley Access	Renumbered since section A was removed. Removed references to single-family attached and section A.	The additional design standards provided in sections 16.44.010.B and 16.44.010.C cannot apply to single-family attached housing because these design standards are not required for single-family detached homes. Figure 16.44.010-5 will also be removed from its existing location in the Code or moved to the new section on Middle Housing (plexes and townhomes) design standards. In addition, if the City were to choose to pursue “Alternative Siting and Design Standards” (OAR 660-046-0235) as a means to preserve these design requirements for townhomes, it is unlikely the City could demonstrate that these standards do not cause “unreasonable cost or delay” when compared to the development of single-family detached homes. As an alternative to removing these design standards for triplexes, quadplexes, and townhomes entirely, a limited set of Model Code design standards for these housing types are proposed in a later section. These standards apply to entry orientation, window coverage, driveway access and parking, and unit definition (townhomes only).
16.50.030.B.7 Transportation Standards	Detached, duplex, triplex, quadplex, and cottage cluster allowed to utilize private streets. Access limitation for the number of lots excludes middle housing child lots. Attached housing not required to provide commercial drives.	The existing Private Streets provision does not comply with HB 2001 because the requirement applies to “attached housing” (i.e., middle housing) and does not apply to single-family detached. Private street requirements should apply to single-family detached and attached (townhomes), and the commercial drives requirement of the provision should only apply to multifamily housing.
16.44.120. Design Standards for Single-Family	New section and standards for single-family detached, townhomes, duplexes, triplexes, quadplexes, townhomes standards (many	New section with standards moved over from other portions of the code and state-allowed design standards for triplexes, quadplexes and townhomes. The standards generally represent the Middle Housing Model Code considered minimum

Detached Housing, Duplexes, Triplexes, Quadplexes and Townhomes	relocated from other portions in the code with some changes). Single-family detached and quadplexes required to comply with the access requirements. Primary building elevation and entranceways face street. Clarification and amendments to driveway standards.	compliance standards and vetted by DLCD, but tailored to incorporate additional standards currently applied by Happy Valley to these forms of housing which are consistent with new state guidelines. In addition, existing standards for Alley and Street Access Developments and Common Areas have been included in this section and extended to apply to single-family detached housing as noted previously in this memo. Some Model Code standards have also been incorporated in this section. Section 16.44.120 is being proposed as an entirely new section. Proposed amendments to the existing text moved from Section 16.44.010 in underline/strikeout format to make it clear where changes are proposed.
16.44.130 Design Standards for Cottage Cluster Housing	New standards.	The City currently does not have any specific standards for cottage cluster housing. The standards included here generally represent the Middle Housing Model Code standards which are considered minimum compliance standards and vetted by DLCD. However, the City is not required to apply the majority of these standards to cottage clusters and could eliminate or modify some of these standards if they result in fewer or less restrictive requirements. In addition, individual standards that may be adjusted to be less restrictive are highlighted in blue.
Table 16.62.020-1 Land Use Minor and Major Design Review	Review of single-family attached, duplex, triplex, quadplex, or cottage cluster housing, and internal conversions to the middle housing will not include a public process.	The City must allow conversions of single-family detached into middle housing types, as well as the conversion of one middle housing type to another middle housing type (e.g., duplex conversion to triplex). The conversion or addition cannot create or increase non-conforming situations, with the exception of meeting minimum parking requirements. Triplexes, quadplexes, cottage clusters, and townhomes must be subject to the same approval process as single-family detached – i.e., Type I, Minor Design Review. Therefore, the requirement associated with 30 attached dwelling units or less must exempt these types of housing and only apply to multifamily in that unit range (i.e., 5 to 30 units).
16.62.030.O.1	Exempts townhomes, triplex, quadplex and cottage cluster from general design review.	Triplexes, quadplexes, cottage cluster, and townhomes/single-family attached will need to be exempt from the General Design Review Criteria because these criteria are not required for single-family detached.
16.63.130.D.3 Planned Unit Development	Exempt missing middle from obligation to develop as a PUD.	Middle housing must be subject to the same approval procedures as single-family detached. Middle housing types are generally attached or common-wall, and therefore would likely be subject to the PUD process pursuant to this provision. Therefore, middle housing must be exempted from this requirement.
Comprehensive Plan: Chapter 10 Housing	Added language acknowledging triplexes, quadplexes, and cottage clusters and amendments from the City’s Housing Strategies Report which was created during the Housing Needs Analysis.	The City’s current Comprehensive Plan housing policies are largely sufficient in terms of encouraging a variety of housing types, however amendments distinguish multi-family housing from middle housing and incorporate housing policies supporting a wider range of housing options per the City’s Housing Strategies Report which was created during the Housing Needs Analysis.

<p>16.61.070.B Special Procedures – Middle Housing Land Division</p>	<p>Added section for middle housing land division. Allows for land to be sold for townhome, duplex, triplex, and quadplex. Approval criteria includes requirements of SB 458 as well as optional frontage improvements. Optional requirements such as prohibition of resulting child lots and plat notes. Process for review explained – similar to Type II with appeal to a referee.</p>	<p>In accordance with Senate Bill 458, proposed code language allows for division of middle housing including duplex, triplex, quadplex, and cottage clusters. Some optional requirements apply.</p>
<p>1661.070.A Special Procedures - Expedited Land Divisions</p>	<p>Clarification of standards for expedited land division including standards for middle housing.</p>	<p>Code for expedited land divisions amended for clarity as well as to provide guidance for middle housing land divisions.</p>

Draft amendments may change during the review process.

Please excuse any errors and refer to House Bill 2001, Senate Bill 458 and the proposed amendments for detailed information.

Analysis of Existing Uses Required to be Allowed per HB 2001											
Land Use	R-40	R-20	R-15	R-10	R-8.5	R-7	R-5	MUR-S	SFA	MUR-A	VTH
Single-Family Detached	✓	✓	✓	✓	✓	✓	✓	✓	✗	○ ₃	✗
Townhome	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	✓	✓	✓
Duplex	○ ₁	○ ₁	○ ₁	○ _{1,2}	○ _{1,2}	○ _{1,2}	✓ ₁	✓ ₁	✓	✓	✓
Triplex	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	✓	✓	✓	✓	✓
Quadplex	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	○ ₁	✗	✗	✗
Cottage Clusters	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗	✗
= Previously Allowed = Previously Allowed w/Special Process = Previously Not Allowed											

1. Allowed in a planned unit development
2. Allowed in a subdivision
3. Limited size allowed in the Happy Valley Town Center Plan Area