



MEMORANDUM

Cornelius HB 2001 Code Audit

City of Cornelius

DATE November 22, 2021
TO Barbara Fryer and Tim Franz, City of Cornelius, OR
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FROM Matt Hastie and Brandon Crawford, APG
CC File

I. INTRODUCTION

The purpose of The Cornelius Middle Housing Code Update project is to bring the City into compliance with House Bill 2001 (HB 2001). In 2019, the Oregon Legislature adopted HB 2001 requiring cities to provide more housing choices, especially housing choices more people can afford. The Code Update project is funded in part by an Oregon Department of Land Conservation and Development (DLCD) grant, with a portion allocated for planning assistance to local governments. In addition, the State adopted Senate Bill 458 (SB 458) in 2021. That legislation requires cities to allow expedited land divisions for middle housing. This memorandum provides an overview of the new state housing requirements for both HB 2001 and SB 458, and an audit of the City's adopted Comprehensive Plan and Development Code for consistency with the new requirements.

The purpose of the audit is to evaluate the City's Code and Comprehensive Plan's current compliance with HB 2001 provisions (OAR 660-046), in addition to new rules established by SB 458. The audit examines possible amendments necessary to bring the City into compliance. In particular, this audit focuses on determining whether the City has:

- Standards permitting the development of duplexes, triplexes, quadplexes, cottage cluster, and townhomes in compliance with HB 2001.
- A clear and objective path for approval of residential development.
- Standards, conditions, or procedures that have the effect of discouraging duplexes through unreasonable cost and delay.
- Criteria or procedures related to application requirements, or review or appeal procedures that may hinder development of middle housing.

This memorandum includes the following sections:

- **Overview of HB 2001** – This section summarizes State requirements and the City's responsibilities to implement them.

- **Summary of Findings.** This section provides a summary of findings from the review of City policies and code requirements.
- **Comprehensive Plan Audit.** This section includes a detailed review of the City’s Comprehensive Plan policies, goals, and implementing measures for their support of housing objectives.
- **Code Audit.** A series of tables in this section provide a detailed review of the Development Code, as well recommend amendments for consistency with HB 2001. The tables are organized by topic and focus on applicable zones, middle housing requirements, siting and design requirements, and other provisions.
- **SB 458 Audit.** This section includes a high-level overview of SB 458 (middle housing land division) background, requirements, and areas of the Code that will likely need to be updated.
- **Next Steps.** This section describes the upcoming Code Update project tasks.

OVERVIEW OF HB 2001

WHAT IS MIDDLE HOUSING?

Small families, young adults, and the growing population of elderly often desire and need housing options that offer a smaller footprint, lower maintenance, and easier access to public transportation, services, and social opportunities. These amenities are not as readily available in neighborhoods composed exclusively of single detached housing, where housing and transportation costs are relatively higher and where development of nearby supporting commercial services is less financially feasible.

Middle housing refers to a range of smaller attached housing types, such as duplexes and triplexes, as well as clustered housing built at a similar small scale but as single-family detached houses. The term “missing middle” housing was coined by urban planner Daniel Parolek to refer to housing that fits in between single-family homes and larger apartment buildings but that’s largely been missing from most cities’ neighborhood patterns for the last 70 years. Middle housing was common in neighborhoods in many communities prior to World War II. Since then, many cities have prohibited or significantly limited middle housing in single-family neighborhoods through zoning regulations that categorized them as “multi-family housing.” This project is an opportunity to expand housing options in more neighborhoods in Cornelius by allowing middle housing types in the City’s single-family residential zones, as well as updating other land use regulations to better support their production. The outcome of this project will shape how the community develops and will expand opportunities for where people can choose to live, and what type of homes they live in.



HB 2001

The Oregon Legislature passed House Bill 2001 in 2019 as a means to respond to the growing crisis over housing affordability and availability in the state. The intention of HB 2001 is to expand housing options in Oregon’s cities by permitting middle housing – defined as duplexes, triplexes, quadplexes, townhomes, and cottage clusters – in most residential areas. The provisions of the legislation require compliance for both large cities (25,000+ population and all cities in a Metro region over 1,000), as well as medium-sized cities (10,000 - 24,999 population). Oregon Administrative Rule (OAR) 660 Division 46 implements the requirements of HB 2001.

Pursuant to OAR 660-046, because Cornelius is located in the Portland metro area, it is considered a Large or Metro City and is required to allow the following:

- Duplexes on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings; and
- Triplexes, quadplexes, cottage clusters, and townhouses in areas zoned for residential use that allow for the development of detached single-family dwellings.

The City “may regulate siting and design of middle housing.” However, it may not adopt standards or requirements that result in unreasonable cost or delay in the development of middle housing. There are two approaches to compliance:

- 1) Adopt the Housing Options Model Code for Large Cities, or
- 2) Amend the code, consistent with minimum compliance standards included in OAR 660 Division 46.

The Housing Options Model Code for Large Cities (Model Code) provides guidance to cities in implementing code provisions that comply with the purpose of HB 2001. The Model Code defines how middle housing should be allowed on all lots and parcels that are zoned for residential use that also allow the development of SFDs. The Model Code sets specific standards that can be applied without further interpretation or amendments.

OAR 660-046 establishes the minimum standards that a city must meet to comply with the provisions of HB 2001. The standards provide flexibility for cities to adapt requirements to local

codes and have been vetted as reasonable for determining minimum compliance. The requirements are reviewed against Cornelius' existing code in Section IV.

Large cities, which includes Cornelius, are required to adopt code provisions that meet minimum compliance standards (OAR 660-046) by June 30, 2022. If the City does not adopt standards that meet minimum compliance, then the model code is automatically applied until the City updates the Code to meet minimum compliance. The Model Code has been approved and adopted by the Land Conservation and Development Commission (LCDC) and therefore meets minimum compliance standards. This audit is the first step of the City's process to determine needed Development Code amendments to meet minimum compliance requirements.

II. SUMMARY OF FINDINGS

The Cornelius Development Code will need several updates to comply with HB 2001. Most of the middle housing types are already allowed in most residential zones. However, certain development and design standards will need revisions to meet minimum compliance standards. The City will have the opportunity to fine-tune some updates so that they are tailored for Cornelius. A summary of the required updates includes:

- Allow each middle housing type in R-7 and R-10 zones
- Create new/reduced minimum lot sizes for most middle housing types
- Exempt density maximums for middle housing types
- Revise minimum parking requirements
- Update Design Review procedures and other design standards for middle housing types
- Allow cottage clusters outright in each zone and create new standards for this housing type

The audit also identifies areas of the Code that would benefit from amendments, but where updates are not necessarily required. Some of these recommended updates include:

- Add new definitions for middle housing, triplexes, quadplexes, and cottage clusters
- Add provisions that clarify allowed uses and procedures that are specific to middle housing types, such as middle housing conversions
- Add provisions and procedures that specify the requirements of SB 458 – Middle Housing Land Divisions; alternatively, the Code could reference similar applicable procedures found in State statutes.

III. COMPREHENSIVE PLAN AUDIT

The Housing Element of the Cornelius Comprehensive Plan complies with HB 2001. Generally, updates are needed for comprehensive plan goals and policies that may conflict with HB 2001 code updates, such as policy statements that prioritize exclusive single-family detached housing or establish residential density ranges in certain areas. The Cornelius Housing Element does not include any policies or goals that would be inconsistent with HB 2001 Code Updates. The City may

consider updating the following policy to acknowledge HB 2001/middle housing and to establish closer consistency with the Code amendments.

POLICIES

1. *Ensure that adequate land is available for both single and multi-family housing.*

It may be useful to include “middle housing” in the above policy, as this will be a distinct housing types (i.e., although not required, we will recommend distinguishing middle housing from multi-family). By not listing middle housing, it may be implicitly excluded (although unintentionally) as a policy priority in the Housing Element.

IV. CORNELIUS HOUSING OPTIONS (HB2001 COMPLIANCE) CODE AUDIT

This section summarizes key insights from the initial Code audit by identifying additional Code issues related to middle housing development. This audit evaluates current regulating provisions for middle housing and in some cases compares them to requirements for single-family homes where the City must apply identical or similar requirements for those two categories of housing. The Oregon Administrative Rules (OAR 660-046) that implement HB 2001 and associated statutes (ORS 197.758) will serve as the basis for determining whether residential code provisions meet the minimum compliance standards.

The Middle Housing Model Code for Large Cities also is used for additional guidance. It is important to note that the Model Code standards are NOT REQUIRED, but rather cities have the option to adopt it as a path toward compliance with HB 2001. In some cases, Model Code provisions serve as standards that already have been vetted by the State for compliance with HB 2001 (e.g., design standards for triplexes, quadplexes, townhomes, and cottage clusters). These standards can be incorporated into the City’s Code without further analysis, if desired. In addition, cities are required to adopt the Model Code only if they do not meet minimum compliance standards before June 30, 2022. The Model Code standards are included in this audit to further inform the city staff of its options for compliance, in the event the City chooses to adopt portions of the Model Code.

The Code audit focuses on identifying:

- Use restrictions that preclude middle housing in residential zones;
- Zone development standards, general siting and development standards, lot standards, and design standards that do not appear to comply with the OAR minimum compliance standards;
- Criteria or procedures related to development application requirements, review, or appeal that that may hinder development of middle housing; and
- Standards, conditions, or procedures that have the effect, either in themselves or cumulatively, of discouraging middle housing through unreasonable cost or delay.

This section provides more details about statutory and draft OAR requirements, in order to put the identified Code issues into context and inform the HB 2001 audit table.

Key to Responses

N/A	The criterion is not applicable.
Y	Regulations appear to comply with OAR 660-046 requirements for Medium Cities
N	Regulations appear to NOT comply with OAR 660-046
MC	Regulations are ambiguous regarding OAR 660-046. May not comply.

APPLICABILITY

HB 2001 requires that Large Cities allow:

- Duplexes on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings; and
- Triplexes, quadplexes, cottage clusters, and townhouses in areas zoned for residential use that allow for the development of detached single-family dwellings.

While duplexes must be allowed on every residential lot where a single-family detached (SFD) dwelling can be built, OAR 660-046-0205 allows the City to regulate or limit development of other “higher” middle housing types in the following areas:

- **Goal-Protected Lands** – Cities can limit middle housing development other than duplexes in areas protected or designated pursuant to a statewide planning goal. In Cornelius, that includes the Natural Resource Overlay Zone (18.95), and the Floodplain Overlay Zone (18.90).
- **Master Planned Communities** – Large Cities can regulate or limit middle housing other than duplexes in master planned communities (as defined in OAR 660-046-0020), but must meet certain density targets. Cornelius does not have any residential master planned communities.

Lands Impacted by State or Federal Law – Cities must demonstrate that limiting middle housing is necessary to implement or comply with an established state or federal law or regulation on these types of lands. This provision likely does not apply in Cornelius except possibly on lands that are already covered under “Goal-Protected Lands”.

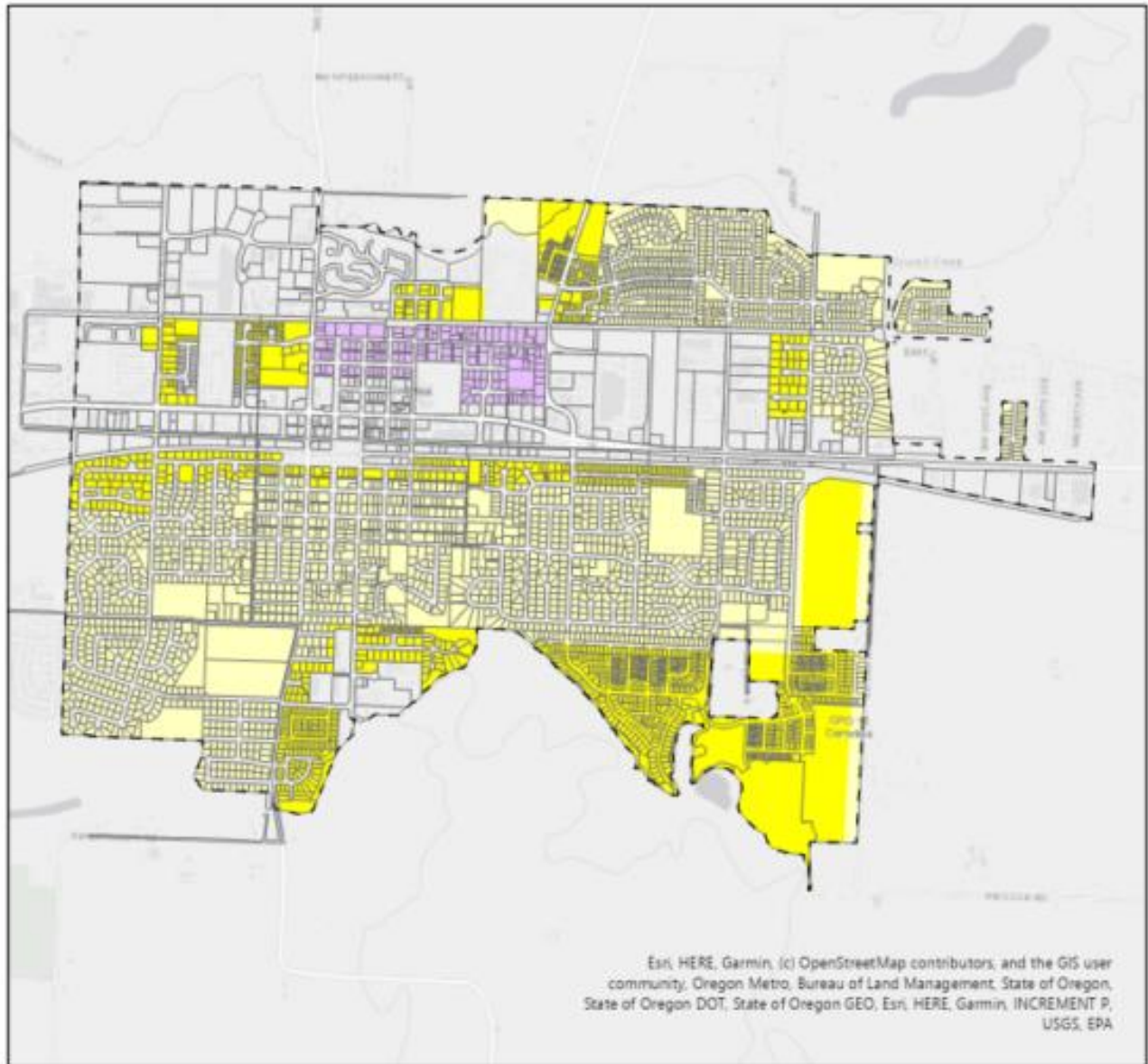
TABLE 1: ZONE AUDIT

Applicability (OAR 660-046-0105 & -0205)	Assessment	Compliant Y/N
<p>Which residential zones are subject to the HB 2001 requirements? “Zoned for residential use” means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation. The City need not comply with this division for:</p> <ul style="list-style-type: none"> • Lands that are not zoned for residential use, including but not limited to lands zoned primarily for commercial, industrial, agricultural, or public uses; • Residentially zoned lands that do not allow for the development of a detached single-family home; or • Lands that are not incorporated and that are zoned under an interim zoning designation that maintains the land’s potential for planned urban development <p>Does the residential zone allow middle housing types outright?</p>	<p><u>Single-Family Residential (R-7) – 18.20.020</u></p> <p>No middle housing type is allowed outright in this zone. Duplexes and common wall single-family (townhouses) are allowed as a conditional use.</p>	N
	<p><u>Single-Family Residential (R-10) – 18.25.025</u></p> <p>No middle housing type is allowed outright in this zone. Duplexes and common-wall SFD (i.e., townhouses) are allowed as a conditional use. Note that this zone currently is not applied to any properties in Cornelius, as shown in Figure 1.</p>	N
	<p><u>Multi-Family Residential (A-2) – 18.35.020</u></p> <p>Single-family detached is not permitted outright in this zone, however it is allowed as a conditional use.</p> <p>It is unclear whether HB 2001 would apply to a residential zone where SFD is only allowed as a <i>conditional</i> use. If the City does not want HB 2001 to apply to this zone, then the simplest path would be to update the Code to prohibit SFD from A-2. If the City chooses to continue allowing SFD as a conditional use, then HB 2001 <i>may</i> apply. However, there may be other issues regarding State rules for clear and objective standards for housing. If the City wishes for SFD to remain a conditional use, we may need to consult DLCD on HB 2001 applicability and discuss implications with the City Attorney.</p> <p>While most middle housing types are already allowed outright in this zone, the City may still choose to update certain standards to be consistent with HB 2001 (e.g., townhouse lot size standards). Updating middle housing standards in this zone will help ensure standards are applied consistently throughout the City. The remainder</p>	MC

	<p>of the audit will assume that HB 2001 applies to this zone.</p>	
	<p><u>Core Residential (CR) – 18.70.020</u></p> <p>All housing types are permitted in this zone except for cottage clusters.</p>	<p>N</p>

Figure 1 shows the current residential zones where HB 2001 applies (i.e., residential zones where single-family detached is allowed). The Single-Family Residential (R-7) zone comprises the majority of the City’s residential land. Note that the other Single-Family Residential Zone (R-10) currently does not apply anywhere in the City. Although amendments to R-10 are required, the updates will have minimal impact due to the absence of current application to this zone. In addition, as part of the City’s recent HNA project, the HNA recommended eliminating the R-10 designation from the Development Code.

FIGURE 1: CORNELIUS AREAS WHERE HB 2001 APPLIES – SFD RESIDENTIAL ZONES



Cornelius HB 2001 Applicable Areas

- Cornelius City Limits
- Lots/Parcels
- Core Residential - CR (148 lots, ~34 acres)
- Single Family Residential - R7 (2,166 lots, ~495 acres)
- Multifamily Residential - A2 (1,280 lots, ~282 acres)

TABLE 2: GOAL PROTECTED LAND

Applicability (OAR 660-046-0010)	Response
<p>Do the middle housing regulations comply with the regulations of goal-protected areas?</p> <p>Local governments may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. OAR 660-046-0010(3) describes the requirements for Middle Housing provision in relation to regulations implementing the provisions of goal-protected areas</p>	<p>The goal protected lands that are found in Cornelius are:</p> <ul style="list-style-type: none"> • Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources • Goal 7: Natural Hazards <p>Cornelius already protects the Protective zones in Development Code through the following provisions:</p> <p>Goal 5: <i>18.95 – Natural Resource Overlay (NRO)</i></p> <p>Goal 7: <i>18.90 – Floodplain District</i></p> <p>The provisions for goal protected lands described above will continue to apply to the development of middle housing in residential zones.</p>

Y

DUPLEXES

Duplexes can either be stacked or side-by-side. Traditionally, most development codes have defined duplex units as two attached units that form a single building, but OAR 660-046 allows cities the option of including detached units in the definition as well.¹ The building(s) must be on a single lot or parcel (if on a separate parcel, then the units would be considered “townhouses”). HB 2001 requires that within the applicable zones, cities allow a duplex on every lot that would allow a SFD dwelling. Table 3 examines the OAR definitions for duplexes against the City’s current definition.

DEFINITIONS

TABLE 3 DUPLEX DEFINITIONS

DEFINITIONS (OAR 660-046-0020)	Response	Complies (Y/N)
<p>“Duplex” means two attached dwelling units on a Lot or Parcel.</p> <p><i>NOTE: A local government may define a Duplex to include two detached dwelling units on a Lot or Parcel.</i></p>	<p><i>Dwelling, duplex, or dwelling, two-family (18.195.040.D): a detached building containing two dwelling units located on a single parcel.</i></p> <p>The City may also want to consider revising the definition to allow for detached duplexes. It may also be useful to revise the definition to acknowledge that the units could be on separate lots if divided through a Middle Housing Land Division, per SB 458 (see Section V for more details on SB 458).</p>	Y
<p>Are other terms defined in the jurisdiction’s code in a manner that would create a conflict with HB 2001?</p> <p><i>NOTE: For example, definitions of “dwelling,” “family” or “household” that when used in conjunction with the middle housing types would unreasonably limit the size of units. Other terms to look for: accessory dwelling unit (potential conflict with duplex); multifamily; floor area; FAR; building footprint; lot coverage; common wall; attached; etc.</i></p>	<p>No other definitions in the Code would create a conflict with the current definition for duplexes.</p>	Y

¹ Note that cities are *not required* to define two *detached* units on a single lot as a duplex. However, if the City chooses to include the detached option in the duplex definition, then required development standards for single-family detached, and therefore attached duplexes, also apply to detached duplexes.

ATTACHED DUPLEXES EXAMPLES



Stacked duplex



Side-by-side duplex



Side-by-side duplex

SITING AND DESIGN REQUIREMENTS

Siting and Design requirements can have a significant effect on the form and feasibility of development. These requirements regulate where buildings can be located on a site, as well as lot size requirements, off-street parking, and more. HB 2001 provisions allow cities to have flexibility in siting and design requirements for applicable lands, as long as they are consistent with the minimum siting and design requirements established in the OARs and the standards do not create “unreasonable cost and delay.” Generally, the reasonableness standard is measured by comparing cost and delay of middle housing standards to that of detached SFD types. Per OAR 660-046-0125, medium (and large) cities that choose to apply design standards to new duplexes may only apply the same clear and objective standards that applies to detached SFD in the same zone. Below, Table 4 audits minimum compliance for both siting and design standards.

TABLE 4: DUPLEX SITING AND DESIGN REQUIREMENTS

SITING AND DESIGN REQUIREMENTS (660-046-0110 – 660-046-0125)	Assessment	Compliant Y/N
Are duplexes allowed on every parcel that allows a detached single-family dwelling (SFD)?	<u>Single-Family Residential (R-7 – 18.20.020)</u> Duplexes are not permitted outright.	N
	<u>Single-Family Residential (R-10 – 18.25.020)</u> Duplexes are not permitted outright.	N
	<u>Multi-Family Residential (A-2 – 18.35.020)</u> Duplexes are permitted outright, but the minimum lot size exceeds the minimum lot size for SFD.	N
	<u>Core Residential Zone (CR – 18.70.020)</u> Duplexes permitted on any parcel that permits SFD.	Y

Does the Code allow the development of a Duplex on **any property** zoned to allow detached SFDs, which was legally created prior to the City's current lot size minimum for detached SFDs in the same zone.

Nonconforming Structures (18.135.020)

*(B)(1) A nonconforming **single-family dwelling** unit may be replaced or restored to the original footprint in all residential zoning districts and the central mixed use zoning district regardless of the extent of damage or destruction. Replacement shall begin within one year of the damage or destruction. If replacement begins more than one year after the damage or destruction, the structure shall conform to the regulations specified in this title.*

Nonconforming Uses of Land (18.135.030)

(D) No additional structure not conforming to the requirements of this title shall be erected in connection with such nonconforming use of land.

Nonconforming Uses of Structures (18.135.040)

(A) No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to accommodate a changing of the use of the structure to a use permitted in the district in which it is located.

(C) If no structural alterations are made, any nonconforming use of structure and premises may be changed to another nonconforming use; provided, that the planning commission, either by general rule or by making findings in the specific case, shall find that the proposed use is more appropriate to the district than the existing nonconforming use. In permitting such change, the planning commission may require appropriate conditions and safeguards in accordance with the provisions of this title.

The Code does not clearly state whether the development of a duplex is allowed on a non-conforming lot (i.e., minimum lot size non-conforming). Provision (B)(1) will need to

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	<p>allow the replacement of duplexes on non-conforming lots since it is allowed for SFD. Some of these provisions may affect the ability of a duplex conversion on a non-conforming lot. Subsections (A) and (C) seem to imply that an alteration or change of use is allowed on a nonconforming lot provided that the use is allowed in the base zone.</p>	
<p>Are there density maximums in any zones? If so, do those maximums exempt (or otherwise not apply) to duplexes?</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(A))</u> Average of 5 units per net acre Duplexes are not permitted in this zone. Once permitted, they will need to be exempt from the current density maximum.</p>	<p>N/A</p>
	<p><u>Single-Family Residential (R-10 – 18.25.050(A))</u> No maximum density Duplexes are not permitted in this zone. Once permitted, the R-10 will comply with this requirement.</p>	<p>N/A</p>
	<p><u>Multi-Family Residential (A-2 – 18.35.050(A))</u> Average of 14 units per net acre.</p>	<p>N</p>
	<p><u>Core Residential (CR – 18.70.050(B))</u> No maximum density.</p>	<p>Y</p>
<p>Are duplexes subject to the same lot size standards as detached SFDs?</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(A)(1)):</u></p> <ul style="list-style-type: none"> • Single Family detached: 6,000 sf • Duplex: 4,500 sf per unit (i.e., 9,000 sf for both units). 	<p>N</p>
	<p><u>Single-Family Residential (R-7 – 18.25.050(A)(1)):</u></p> <ul style="list-style-type: none"> • Single-Family detached: 10,000 sf • Duplex: 6,000 sf per unit (i.e., 12,000 sf for both units). 	<p>N</p>

	<p><u>Multi-Family Residential (A-2 – 18.35.050(A))</u></p> <ul style="list-style-type: none"> • <u>SFD – 3,100 sf</u> • <u>Duplex – 6,200 sf</u> 	N
	<p><u>Core Residential (CR – 18.70.050(A)(1)):</u></p> <ul style="list-style-type: none"> • SFD and duplexes: 3,100 sf 	Y
<p>Are duplexes subject to the same setback standards as detached SFDs?</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(D)):</u></p> <ul style="list-style-type: none"> • Front yard – 10 ft. • Rear yard – 10 ft. • Side yard – 5 ft. or 10 ft. on corner lots <p>While duplexes are not permitted outright in R-7, there is no variation in setback standards among housing types allowed in this zone (outright or conditional).</p>	Y
	<p><u>Single-Family Residential (R-10 – 18.25.050.(C))</u></p> <ul style="list-style-type: none"> • Front – 25 ft. • Side – 10 ft. or 20 ft. on corner lots • Rear – 25 ft. <p>While duplexes are not permitted outright in R-10, there is no variation in setback standards among housing types allowed in this zone (outright or conditional).</p>	Y
	<p><u>Multi-Family Residential (A2 – 18.35.050(D))</u></p> <p>SFD:</p> <ul style="list-style-type: none"> • Front – 10 ft. • Rear – 10 ft. • Side – 5 ft. or 10 ft. for corner lots <p>No setback standard is stated for duplexes. The City may want to add setbacks for duplexes in this zone.</p>	MC

	<p><u>Core Residential (CR – 18.70.050(D))</u></p> <ul style="list-style-type: none"> • Front – 10 ft. • Side – 10 ft. • Rear – 10 ft. <p>These setback standards apply to all housing types except for townhouses.</p>	Y
Are duplexes subject to the same maximum height standards as detached SFDs?	The same maximum height of 35 ft. applies to all development in each applicable residential zone.	Y
Does the zone have a lot coverage standard? If so, is the standard the same for duplexes and SFDs?	The same maximum lot coverage applies to all development for each applicable residential zone, which is 50% for the R-7 and R-10 zones, 55% in the A-2 zone, and 60% for the CR zone.	Y
Does the zone have an FAR standard? If so, is the standard the same for duplexes and SFDs?	There are no FARs that apply to residential development in the City’s Code.	NA
Does the Code apply the same clear and objective design standards to SFDs as it does to duplexes (i.e., there are no design standards that only apply to duplexes)?	<p>The City does not have design standards that are specific to single-family detached homes or duplexes.</p> <p>The City’s Design Standards for Site Design Review (CMC 18.100(B)) contain some subjective design and review criteria. Moreover, duplexes are permitted as conditional uses in the R-7 and R-10 zones subject to the City’s Site Design Review procedure. These requirements and procedures will be evaluated further in the Procedures section of this audit.</p>	MC
Does the city offer the same clear and objective exceptions to public works standards to duplexes that they offer to SFDs?	The City’s Public Improvements (Title 12) and Public Utilities (Title 13) provisions do not offer any exceptions to public works standards for single-family detached housing.	N/A

TRIPLEXES AND QUADPLEXES

Triplexes and quadplexes, like duplexes, can either be stacked or side-by-side. The building must be on a single lot or parcel (if on separate parcels, then the units would be considered “townhouses”). The OARs require that the City allow triplexes and quadplexes on every lot in applicable zoning districts that would allow development of a SFD (the exception being lots meeting the definition of “Goal Protected” or “Impacted by State or Federal Law”).

DEFINITIONS

TABLE 5: TRIPLEX AND QUADPLEX DEFINITIONS

DEFINITIONS (OAR 660-046-0020)	Assessment	Compliant (Y/N)
<p>“Triplex” means three attached dwelling units on a Lot or Parcel. A Large City may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.</p> <p>“Quadplex” means four attached dwelling units on a Lot or Parcel. A Large City may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.</p> <p>“Middle Housing” means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.</p>	<p><u>Dwelling, Multi-Family</u>, means a building containing three or more dwelling units.</p> <p>Although the City is not required to provide separate definitions for tri and quadplexes, distinguishing these housing types from multi-family will add clarity for code sections that regulate tris and quads. Similarly, providing a definition for “middle housing” will also generally help clarify code sections that refer to these housing types together.</p> <p>The city may also want to consider revisions to acknowledge that units may be on separate lots if subdivided through a Middle Housing Land Division, per SB 458 (see section V of this memo for more details).</p>	<p>MC</p>
<p>Are other terms defined in the jurisdiction’s code in a manner that would create a conflict with HB 2001?</p> <p><i>NOTE: For example, definitions of “dwelling,” “family” or “household” that when used in conjunction with the middle housing types would unreasonably limit the size of units. Other terms to look for: accessory dwelling unit (potential conflict with duplex); multifamily; floor area; FAR; building footprint; lot coverage; common wall; attached; etc.</i></p>	<p>Dwelling, Multifamily. A structure or development containing at least 3 dwelling units in any vertical or horizontal arrangement, located on a single lot. See also, Cottage Cluster Development.</p> <p>While the existing definitions of dwellings do not conflict with requirements of HB 2001, if the City chooses to adopt separate definitions for triplex, quadplex, and middle housing, then these new definitions would conflict with “multifamily”. It is highly recommended this definition is amended</p>	<p>MC</p>

	and definitions for each middle housing type be added to the Code.	
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EXAMPLES OF TRIPLEXES AND QUADPLEXES



SITING AND DESIGN REQUIREMENTS

TABLE 6: TRIPLEX AND QUADPLEX SITING AND DESIGN REQUIREMENTS

SITING AND DESIGN REQUIREMENTS (660-046-0220(2) and 660-046-0225)	Assessment	Compliant Y/N
Are triplexes/quadplexes allowed in every residential zone that allow single-family detached dwellings?	<u>Single Family Residential (R-7 – 18.20.020)</u> Triplexes/quadplexes are not permitted in this zone.	N
	<u>Single-Family Residential (R-10 – 18.25.020)</u> Triplexes/quadplexes are not permitted in this zone.	N
	<u>Multi-Family Residential (A-2 – 18.35.020)</u> Triplexes/quadplexes are permitted outright.	Y
	<u>Core Residential (CR – 18.70.020)</u> Triplexes/quadplexes are permitted outright.	Y

<p>Do the minimum lot sizes in each zone meet the following standards?</p> <ul style="list-style-type: none"> • If SFD lot size is 5,000 sf or less; then, triplex lot size is not more than 5,000 sf • If SFD lot size is more than 5,000 sf; then triplex lot size is not more than the SFD lot size • If SFD lot size is 7,000 sf or less; then, quadplex lot size is not more than 7,000 sf • If SFD lot size is more than 7,000 sf; then quadplex lot size is not more than the SFD lot size 	<p><u>Single-Family Residential (R-7 – 18.20.050(A))</u></p> <ul style="list-style-type: none"> • SFD – 6,000 sf • MF – None, tri/quadplex not permitted 	N/A
	<p><u>Single-Family Residential (R-10 – 18.25.050(A))</u></p> <ul style="list-style-type: none"> • SFD – 10,000 sf • MF – None, tri/quadplex not permitted 	N/A
	<p><u>Multi-Family Residential (A-2 – 18.35.050(A))</u></p> <ul style="list-style-type: none"> • SFD – 3,100 sf • MF – 2,330 sf per unit <ul style="list-style-type: none"> ○ Triplex: 6,990 sf ○ Quadplex: 9,320 sf 	N
	<p><u>Core Residential (CR – 18.70.050(A))</u></p> <ul style="list-style-type: none"> • SFD – 3,100 sf • MF – 2,000 sf per unit <ul style="list-style-type: none"> ○ Triplex: 6,000 sf ○ Quadplex: 8,000 sf 	N
<p>Are there density maximums in any zones? If so, do those maximums exempt (or otherwise not apply) to triplexes/quadplexes?</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(A))</u></p> <p>Average of 5 units per net acre</p> <p>Tri/quadplexes are not permitted in this zone. Once permitted, they will need to be exempt from the current density maximum.</p>	N/A
	<p><u>Single-Family Residential (R-10 – 18.25.050(A))</u></p> <p>No maximum density</p> <p>Tri/quadplexes are not permitted in this zone. Once permitted, the R-10 zone will comply with this requirement.</p>	N/A
	<p><u>Multi-Family Residential (A-2 – 18.35.050(A))</u></p> <p><u>Average of 14 units per net acre.</u></p>	N
	<p><u>Core Residential (CR – 18.70.050(B))</u></p> <p>No maximum density.</p>	Y

<p>Are triplexes/quadplexes subject to the same setback standards as detached SFDs?</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(D)):</u></p> <ul style="list-style-type: none"> • Front yard – 10 ft. • Rear yard – 10 ft. • Side yard – 5 ft. or 10 ft. on corner lots <p>Tri/quadplexes are not permitted in this zone.</p>	<p>N/A</p>
	<p><u>Single-Family Residential (R-10 – 18.25.050.(C))</u></p> <ul style="list-style-type: none"> • Front – 25 ft. • Side – 10 ft. or 20 ft. on corner lots • Rear – 25 ft. <p>Tri/quadplexes are not permitted in this zone.</p>	<p>N/A</p>
	<p><u>Multi-Family Residential (A2 – 18.35.050(D))</u></p> <p>SFD:</p> <ul style="list-style-type: none"> • Front – 10 ft. • Rear – 10 ft. • Side – 5 ft. or 10 ft. for corner lots <p>MF:</p> <ul style="list-style-type: none"> • Front and rear – same as SFD • Side – 5 ft. plus another 5 ft. per additional story, and 10 ft. for corner lots 	<p>N</p>
	<p><u>Core Residential (CR – 18.70.050(D))</u></p> <ul style="list-style-type: none"> • Front – 10 ft. • Side – 10 ft. • Rear – 10 ft. <p>These setback standards apply to all housing types except for townhouses.</p>	<p>Y</p>
<p>Are triplexes and quadplexes subject to the same or higher maximum height standards as SFDs and does that the standard allow buildings to be at least 25 feet in height or two stories?</p>	<p>The same maximum height of 35 ft. applies to all development in each applicable residential zone.</p>	<p>Y</p>

<p>Does the zone have a lot coverage standard? If so, is the standard the same for tri/quadplexes and SFDs?</p>	<p>The same maximum lot coverage applies to all development for each applicable residential zone, which is 50% for the R-7 and R-10 zones, 55% for A-2, and 60% for the CR zone.</p>	<p>Y</p>
<p>Does the zone have an FAR standard? If so, is the standard the same for tri/quadplexes and SFDs?</p>	<p>There are no FARs that apply to residential development in the City’s Code.</p>	<p>NA</p>
<p>Does the Code include design standards for triplexes and quadplexes that are either:</p> <ul style="list-style-type: none"> • The same as or less restrictive than the Model Code for Large Cities; or • The same as design standards applicable to SFD dwellings?* <p><i>*NOTE: Design standards may not scale based on number of units (e.g., primary entrance requirements), but may scale based on form-based attributes (e.g., floor area and street-facing façade).</i></p>	<p>The City does not have design standards that are specific to single-family detached or multi-family development. Triplexes and quadplexes in the CR zone are subject to Type II Design Review (18.100.030(B)), whereas SFD is subject to Type I Design Review. These procedures will be further evaluated in the Procedures section of this audit.</p>	<p>MC</p>
<p>Does the Code include siting and design standards for triplexes and quadplexes that diverge from the standards in OAR 660-046-0220 or 660-046-0225, but that individually or cumulatively do not cause unreasonable cost or delay?</p>	<p>OAR 660-046-0235 allows existing “alternative design standards” to remain, if a city can demonstrate that they do not cause unreasonable cost or delay. If the City chooses to continue to apply Site Design Review, this procedure may qualify as an “alternative design standard”. The City would need to demonstrate that the Design Review process does not cause unreasonable cost or delay.</p>	<p>MC</p>

TOWNHOUSES

Townhouses are homes constructed in a row of attached units, each on a separate lot. HB 2001 provides a specific definition for townhouses.

The OAR requires that the City allow townhouses in residential zoning districts that allow SFDs (the exception being lots meeting the definition of “Goal Protected” or “Impacted by State or Federal Law”).

DEFINITIONS

TABLE 7: TOWNHOME DEFINITION REQUIREMENTS

DEFINITIONS (OAR 660-046-0020)	Response	Compliant (Y/N)
<p>“Townhouse” means 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 least one common wall with an adjacent dwelling unit.</p>	<p><u>Dwelling, common wall single-family</u>: A dwelling unit that shares a common wall with one other dwelling unit with a zero lot line setback, with each dwelling unit located on a separate lot.</p> <p><u>Dwelling, single-family attached</u>: Three or more dwelling units attached on common walls, separated by property lines on the common wall(s). A typical example of this dwelling type is a townhouse.</p> <p>The definitions above, when taken together, complies with the State’s definition for “two or more attached dwelling units”. For simplicity, the City may want to consider consolidating the definitions to be two or more attached dwellings. Furthermore, the Code uses the terms “townhome” and “townhouse” interchangeably in different sections. The Code should use just one of these terms.</p>	<p>MC</p>
<p>Are other terms defined in the jurisdiction’s code in a manner that would create a conflict with HB 2001?</p>	<p>As mentioned, the existing “single-family attached” definition is inconsistent with the State’s definition for townhouses. See the preliminary recommendation above for how these definitions should be reconciled.</p>	<p>MC</p>

EXAMPLES OF TOWNHOMES



SITING AND DESIGN REQUIREMENTS

TABLE 8 TOWNHOME SITING AND DESIGN REQUIREMENTS

SITING AND DESIGN REQUIREMENTS (660-046-0205(4)(c) and 660-046-0220(3))	Assessment	Compliant (Y/N)
Are townhomes allowed in every residential zone that allow single-family detached dwellings?	<u>Single-Family Residential (R-7 – 18.20.020)</u> Neither single-family attached nor common wall single-family are permitted outright. Common wall single-family is allowed as a conditional use.	N
	<u>Single-Family Residential (R-10 – 18.25.020)</u> Neither single-family attached nor common wall single-family are permitted outright.	N
	<u>Multi-Family Residential (A-2 – 18.35.020)</u> Single-family attached and common wall single-family are permitted outright.	Y
	<u>Core Residential (CR – 18.70.020)</u> Single-family attached and common wall single-family are permitted outright.	Y
Does each zone have a minimum lot size for townhouses? If so, is the average minimum lot size less than or equal to 1,500 sf?	<u>Single-Family Residential (R-7 – 18.20.050(A))</u> <ul style="list-style-type: none"> • Common wall single-family: 4,500 sf per unit • Single-family attached: Not permitted 	N

	<p><u>Single-Family Residential (R-10 – 18.25.050)</u></p> <p>Common wall single-family and single-family attached are not permitted.</p>	<p>N/A</p>
	<p><u>Multi-Family Residential (A-2 – 18.35.050(A))</u></p> <ul style="list-style-type: none"> • <u>Common wall single-family – 3,100 sf</u> • <u>Single-family attached (townhome) – 3,000 sf</u> 	<p>N</p>
	<p><u>Core Residential (CR – 18.70.050(A))</u></p> <p>Minimum lot size for common wall single-family and single-family attached are 2,000 sf per unit.</p>	<p>N</p>
<p>Do any zones have a maximum density? If so, is the maximum density for townhouses at least 4 times the maximum for SFDs or 25 du/ac, whichever is less?</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(A))</u></p> <p>Average density of five dwelling units per acre.</p> <p>Common wall single family does not have a separate density maximum, and single-family attached is not permitted in this zone.</p>	<p>N</p>
	<p><u>Single-Family Residential (R-10 – 18.25.050)</u></p> <p>No maximum density.</p> <p>Common wall single-family and single-family attached are not permitted. Once permitted, the R-10 zone will comply with this requirement.</p>	<p>N/A</p>
	<p><u>Multi-Family Residential (A-2 – 18.35.050(A))</u></p> <p><u>Average of 14 units per net acre for all housing types.</u></p>	<p>N</p>
	<p><u>Core Residential (CR – 18.70.050)</u></p> <p>No maximum density.</p>	<p>Y</p>
<p>Does each zone have a minimum street frontage for townhouses? If so, is the minimum street frontage less than or equal to 20 feet?</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(E))</u></p> <p>There is no minimum street frontage standard for this zone. Although townhouses</p>	<p></p>

	<p>(i.e., common wall single-family) are not permitted outright in this zone, the minimum lot width is 60 feet for single-family. Minimum lot width will need to be reduced for common wall single-family and single-family attached in order to comply with this requirement.</p>	N
	<p><u>Single-Family Residential (R-10 – 18.25.050(D))</u></p> <p>There is no minimum street frontage standard for this zone. Although townhouses (i.e., common wall and SFA) are not permitted in this zone, the minimum lot width is 80 feet for single-family. Minimum lot width will need to be reduced for common wall single-family and single-family attached in order to comply with this requirement.</p>	N/A
	<p><u>Multi-Family Residential (A-2 – 18.35.050(G))</u></p> <p>The minimum lot width for single-family is 30 ft. abutting a public street. Assuming this standard also applies to single-family attached and common-wall single-family, the existing street frontage/lot width does not comply.</p>	N
	<p><u>Core Residential (CR 18.70.050(f))</u></p> <p>The CR zone does not have a minimum street frontage standard, however the minimum lot width for common wall single-family and single-family attached is 20 feet.</p>	Y

<p>Are townhouses subject to the same or lesser setback standards as detached SFDs with the exception that townhouses can have a zero interior side setback?</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(D)):</u></p> <ul style="list-style-type: none"> • Front yard – 10 ft. and 20 ft. for garages/carports • Rear yard – 10 ft. • Side yard – 5 ft. or 10 ft. on corner lots • Common wall – 0 feet on side where common wall is located <p>While townhouses are not permitted outright in R-7, there is no variation in setback standards among housing types allowed in this zone (outright or conditional), aside from the common wall provision.</p> <p>The additional setback of 20 feet for garages may be a barrier for some townhouse development in this zone due to the common building practice of locating the garage under the dwelling. The City may want to consider amending this garage setback standard for townhouses.</p>	<p style="text-align: center;">MC</p>
	<p><u>Single-Family Residential (R-10 – 18.25.050(C))</u></p> <ul style="list-style-type: none"> • Front – 25 ft. • Side – 10 ft. or 20 ft. on corner lots • Rear – 25 ft. <p>Common wall single-family and single-family attached are not permitted in this zone.</p>	<p style="text-align: center;">N/A</p>
	<p><u>Multi-Family Residential (A2 – 18.35.050(D))</u></p> <p><u>SFD:</u></p> <ul style="list-style-type: none"> • <u>Front – 10 ft.</u> • <u>Rear – 10 ft.</u> • <u>Side – 5 ft. or 10 ft. for corner lots</u> <p>Setback standards are not stated for single-family attached or common wall single-family. The City may want to add these standards and ensure they are less than or equal to SFD setbacks and allow zero side yard setbacks.</p>	<p style="text-align: center;">MC</p>

	<p><u>Core Residential (CR – 18.70.050(D))</u></p> <ul style="list-style-type: none"> • Front – 10 ft. and 20 ft. for garages/carports. • Side – 10 ft. or 0 ft. for common wall or single-family attached where structures are attached • Rear – 10 ft. <p>These setback standards apply to all housing types, except for the zero-side yard for townhouses.</p> <p>As mentioned, the additional setback for garages may be a barrier for townhome development.</p>	<p style="text-align: center;">Y</p>
<p>Are townhomes subject to the same or higher maximum height standards as SFDs?</p>	<p>The same maximum height of 35 ft. applies to all development in each applicable residential zone.</p>	<p style="text-align: center;">Y</p>
<p>Are the standards regulating the bulk and scale (e.g., lot coverage) of townhouse projects (i.e., the whole townhouse development site) no more restrictive than those regulating detached SFDs?</p>	<p>The same maximum lot coverage applies to all development for each applicable residential zone, which is 50% for the R-7 and R-10 zones, 55% for A-2, and 60% for the CR zone. There are no other standards that regulate bulk and scale for common wall single-family or single-family attached.</p>	<p style="text-align: center;">Y</p>
<p>Does the zone have an FAR standard? If so, is the standard the same for townhouses and SFDs?</p>	<p>There are no FARs that apply to residential development in the City’s Code.</p>	<p style="text-align: center;">NA</p>
<p>Does the Code include design standards for townhouses that are either:</p> <ul style="list-style-type: none"> • The same as or less restrictive than the Model Code for Large Cities; or • The same as design standards applicable to SFD dwellings?* <p><i>*NOTE: Design standards may not scale based on number of units (e.g., primary entrance requirements), but may scale based on form-</i></p> 	<p>The City does not have design standards that are specific to single-family detached, common wall single-family, or single-family attached development. Residential design is applied and regulated through Site Design Review. These provisions will be further evaluated in the Procedures section of this audit.</p>	<p style="text-align: center;">MC</p>

<p><i>based attributes (e.g., floor area and street-facing façade.</i></p>		
<p>Does the Code include siting and design standards for townhouses that diverge from the standards in OAR 660-046-0220 or 660-046-0225, but that individually or cumulatively do not cause unreasonable cost or delay?</p>	<p>OAR 660-046-0235 allows existing “alternative design standards” to remain, if a city can demonstrate that they do not cause unreasonable cost or delay. If the City chooses to continue to apply Site Design Review, this procedure may qualify as an “alternative design standard”. The City would need to demonstrate that the Design Review process does not cause unreasonable cost or delay.</p>	<p>MC</p>

COTTAGE CLUSTERS

Cottage clusters are groupings of relatively small homes clustered around a shared courtyard or open space. They often feature shared or clustered parking areas and may have a community building for shared use by the residents. HB 2001 provides a specific definition for cottage clusters that limits the footprint of each dwelling to 900 sf. The OARs require that the City allow cottage clusters in residential zoning districts that allow SFDs (the exception being lots meeting the definition of “Goal Protected” or “Impacted by State or Federal Law”).

Cornelius does not recognize cottage clusters as a housing type and therefore does not have any standards or requirements that are specific to this housing type. This Code update project will include amendments that meet the minimum compliance standards for cottage cluster housing that are established in OAR 660-046. The City will have some flexibility to tailor certain requirements to meet the City’s needs. This section outlines the minimum requirements in a similar format and sequence as the previous sections of this audit and evaluates whether certain provisions *would comply* once cottage clusters are permitted.

DEFINITIONS

TABLE 9 COTTAGE CLUSTER DEFINITION REQUIREMENTS

DEFINITIONS (OAR 660-046-0020)	Assessment	Compliant (Y/N)
<p>“Cottage Cluster” means 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 Medium or Large City may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.</p>	<p>The City does not have a definition for cottage clusters.</p>	<p>N</p>
<p>Are other terms defined in the jurisdiction’s code in a manner that would create a conflict with HB 2001?</p> <p><i>NOTE: For example, definitions of “dwelling,” “family” or “household” that when used in conjunction with the middle housing types would unreasonably limit the size of units. Other terms to look for: accessory dwelling unit (potential conflict with duplex); multifamily; floor area; FAR; building footprint; lot coverage; common wall; attached; etc.</i></p>	<p>While the City does not have a definition, there are no definitions that would conflict with the State’s definition for cottage clusters.</p>	<p>Y</p>

EXAMPLES OF COTTAGE CLUSTERS



SITING AND DESIGN REQUIREMENTS

TABLE 10 COTTAGE CLUSTER SITING AND DESIGN REQUIREMENTS

SITING AND DESIGN REQUIREMENTS (660-046-0205(4)(d) and 660-046-0220(4))	Assessment	Compliant (Y/N)
Cottage clusters must be allowed outright in every residential zone that allows single-family detached dwellings.	Cottage clusters will need to be allowed in the R-7, R-10, A-2, and CR zones.	N
<p>The minimum lot sizes in each zone must meet the following standards:</p> <ul style="list-style-type: none"> • If SFD lot size is 7000 sf or less; then, cottage cluster lot size is not more than 7000 sf • If SFD lot size is more than 7000 sf; then cottage cluster lot size is not more than the SFD lot size 	<p>Single-family detached minimum lot size for each residential zone are as follows:</p> <ul style="list-style-type: none"> • <u>R-7</u>: 6,000 sf <ul style="list-style-type: none"> ○ Cottage cluster lot size can be no larger than 7,000 sf • <u>R-10</u>: 10,000 sf <ul style="list-style-type: none"> ○ Cottage cluster lot size can be no larger than 10,000 sf • <u>A-2 and CR</u>: 3,100 sf <ul style="list-style-type: none"> ○ Cottage cluster lot size can be no larger than 7,000 sf 	N/A
Are there density maximums in any zones? Those maximums must exempt (or otherwise not apply) cottage clusters.	The R-7 zone has a maximum density of 5 units per net acre, and A-2 has a maximum density of 14 units per net acre. R-10 and CR do not have density maximums.	N/A
Does any zone have a minimum density ? If so, the minimum density for cottage clusters must be at least 4 units/acre.	<p><u>Single-Family Residential (R-7 – 18.20.050(B))</u> Minimum density is 4 units per acre. Once cottage clusters are allowed, the R-7 zone will comply with this requirement.</p>	Y
	<p><u>Single-Family Residential (R-10 – 18.25.050(A))</u> Minimum density is 3 units per acre.</p>	N
	<p><u>Multi-Family Residential (18.35.050(B))</u> Minimum density is 8 units per acre for SFD, and 11 units per acre for MF.</p>	Y

	<p><u>Core Residential (CR – 18.70.050(B))</u> Minimum density is 11 units per acre for all non-SFD housing types.</p>	Y
<p>Cottage clusters must be subject to the same or lesser setback standards as detached SFDs with the exception that perimeter setbacks applicable to dwelling units must not exceed 10 feet.</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(D)):</u></p> <ul style="list-style-type: none"> • Front yard – 10 ft. • Rear yard – 10 ft. • Side yard – 5 ft. or 10 ft. on corner lots 	N/A
	<p><u>Single-Family Residential (R-10 – 18.25.050.(C))</u></p> <ul style="list-style-type: none"> • Front – 25 ft. • Side – 10 ft. or 20 ft. on corner lots • Rear – 25 ft. 	
	<p><u>Multi-Family Residential (A-2 – 18.35.050(D))</u> <u>SFD:</u></p> <ul style="list-style-type: none"> • <u>Front – 10 ft.</u> • <u>Rear – 10 ft.</u> • <u>Side – 5 ft. or 10 ft. for corner lots</u> <p><u>MF:</u></p> <ul style="list-style-type: none"> • <u>Front and rear – same as SFD</u> <p><u>Side – 5 ft. plus another 5 ft. per additional story, and 10 ft. for corner lots</u></p>	
	<p><u>Core Residential (CR – 18.70.050(D))</u></p> <ul style="list-style-type: none"> • Front – 10 ft. • Side – 10 ft. • Rear – 10 ft. <p>These setback standards apply to all housing types except for townhouses.</p>	
<p>Except for preexisting SFDs, individual cottages must be limited to no more than a 900 sf footprint.</p>	<p>There are no existing development/design standards for cottage clusters.</p>	N/A

<p>Cottage clusters must be exempt from standards for lot coverage and FAR.</p>	<p>Maximum lot coverage is 50% for R-7 and R-10, and 60% for CR. There is no FAR standard in the Code.</p>	<p>N/A</p>
<p>If design standards are applied, the Code must include clear and objective design standards for cottage clusters that are either:</p> <ul style="list-style-type: none"> • The same as or less restrictive than the Model Code for Large Cities; or • The same as design standards applicable to detached SFDs?* <p><i>*NOTE: Design standards may not scale based on number of units (e.g., primary entrance requirements), but may scale based on form-based attributes (e.g., floor area and street-facing façade).</i></p>	<p>As mentioned, the Code does not have any residential design standards. Residential design is regulated through the City’s Design Review process.</p> <p>The City is not required to apply design standards, however if design standards are used, they must meet the State’s requirements (i.e., less restrictive than the Model Code or the same as SFD).</p>	<p>N/A</p>
<p>If the Code includes siting and design standards for cottage clusters that diverge from the standards in OAR 660-046-0220 or 660-046-0225, they must not individually or cumulatively do not cause unreasonable cost or delay.</p>	<p>OAR 660-046-0235 allows existing “alternative design standards” to remain, if a city can demonstrate that they do not cause unreasonable cost or delay. If the City chooses to continue to apply Site Design Review, this procedure may qualify as an “alternative design standard”. The City would need to demonstrate that the Design Review process does not cause unreasonable cost or delay.</p>	<p>MC</p>

OTHER PROVISIONS

PARKING REQUIREMENTS

TABLE 11 MIDDLE HOUSING PARKING REQUIREMENTS

Parking (OAR 660-040 – 0120)	Assessment	Compliant? (Y/N)
<p>Are duplexes only required to provide a minimum of two or fewer total off-street parking spaces for the duplex?²</p>	<p><u>Required off-street parking spaces (18.145.030)</u> Minimum one space per dwelling unit (i.e., two spaces total).</p>	Y
<p>Are triplexes only required to provide the following minimum number of off-street parking spaces?</p> <ul style="list-style-type: none"> • For lots less than 3,000 sf: one space in total • For lots greater than or equal to 3,000 sf and less than 5,000 sf: two spaces • For lots greater than or equal to 5,000 square feet: 3 spaces 	<p><u>Required off-street parking spaces (18.145.030)</u></p> <ul style="list-style-type: none"> • DU < 500 sf: 1 per unit • 1 bedroom: 1.25 per unit • 2 bedrooms: 1.5 per unit • 3 or more bedrooms: 1.75 per unit 	N
<p>Are quadplexes only required to provide the following minimum number of off-street parking spaces?</p> <ul style="list-style-type: none"> • For lots less than 3,000 sf: 1 space or fewer in total • For lots greater than or equal to 3,000 sf and less than 5,000 sf: 2 spaces or fewer • For lots greater than or equal to 5,000 sf and less than 7,000 sf: 3 spaces or fewer • For lots greater than or equal to 7,000 square feet: 4 spaces or fewer 	<p>Same as triplexes (multi-family).</p> <p>Note – per SB 458 requirements the City will not be able to require additional parking as a result of a middle housing land division. For instance, if a quadplex with three parking spaces divides into four units on separate lots, the City cannot require an additional off-street parking space for the development.</p>	N
<p>Are townhouses only required to provide a minimum of 1 or fewer spaces?</p>	<p><u>Required off-street parking spaces (18.145.030)</u> 1 space per unit.</p>	Y

² State rules require that cities cannot *require* duplexes to provide over two spaces (in total for both units). This is not a parking maximum, which cities do not have to require for duplexes.

<p>Are cottage clusters only required to provide a minimum of 1 or fewer spaces per unit?</p>	<p>No parking standard for cottage clusters.</p>	<p>N/A</p>
<p>Are all middle housing types subject to the same off-street parking surfacing, dimensional, landscaping, access, and circulation standards that apply to single-family detached dwellings in the same zone?</p>	<p><u><i>Design and maintenance standards for off-street parking and loading facilities (18.145.050)</i></u></p> <p><i>(B) Excluding single-family and duplex residences and multi-family uses with not more than four units in the core residential zone, groups of two or more parking spaces shall be served by a service drive so that no backing movements or other maneuvering within a street or other public right-of-way would be required.</i></p> <p><i>(F) Except for single- and two-family residences and multi-family uses with not more than four units in the core residential zone, any area intended to be used to meet the off-street parking requirements as contained in this title shall have all parking spaces clearly marked using a permanent paint. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.</i></p> <p><i>(G) Except for single- and two-family residences and multi-family uses with not more than four units in the core residential zone, all areas used for the parking and/or storage and/or maneuvering of any vehicle, boat and/or trailer shall be improved with asphalt or concrete surfaces according to the same standards required for the construction and acceptance of city streets. Off-street parking spaces for single- and two-family residences and multi-family uses with not more than four units in the core residential zone shall be improved with an asphalt or concrete surface to specification as approved by the building official.</i></p> <p>The Code complies with this requirement for the CR zone. However, once tri/quadplexes are permitted in R-7 and R-10, the same exceptions will need to apply.</p>	<p>MC</p>

<p>Does the city allow for on-street parking credits? <i>(optional)</i></p>	<p>No on-street parking credits are applied in Cornelius.</p>	<p>N/A</p>
<p>Inconsistent/Conflicting Standard</p>	<p><u><i>Core Residential Site Development Standards (CR – 18.70.060)</i></u> <i>(G)(1) Off-Street Parking</i> <i>(a) Resident. One covered parking space shall be provided for each dwelling unit either on the individual lot or in an off-street parking bay within 100 feet from the dwelling being served.</i></p> <p>This off-street parking requirement for the CR zone conflicts with the more general off-street parking requirements in the Code (18.145). In addition, these standards do not meet the State’s off-street parking requirement for triplexes and quadplexes.</p> <p>These same provisions are found in the R-7 and R-10 Code sections. Although they are consistent with the corresponding requirements in 18.145, they will need to be revised once other middle housing types are included in these sections.</p>	<p>N</p>
<p>Guest Parking</p>	<p><u><i>Single-Family Residential Site Development Standards (R-7 – 18.70.060)</i></u> <i>(F)(1) Off-Street Parking</i> <i>(b) Guest. Where on-street parking is prohibited on both sides of a street, guest parking shall be provided in off-street parking bays at the rate of one parking space for every three home sites along the street section. Guest parking should be in close proximity to the homes being served.</i></p> <p>To the extent that this provision would require additional parking for a middle housing development, this guest parking requirement may not comply.</p>	<p>MC</p>

CONVERSIONS

TABLE 12: MIDDLE HOUSING CONVERSIONS

OAR 660-046-0125, 660-046-0130, 660-046-0230, and 660-046-0225	Assessment	Compliant (Y/N)
Are conversions of detached SFDs into duplexes exempt from meeting the design standards (provided the conversion does not increase nonconformance with the Code)?	As mentioned, the City does not have residential design standards, therefore this requirement may not apply. However, modifications of existing development trigger different Design Review actions. These actions appear to have equal application regardless of housing type.	MC
Would a duplex created by internal conversion of, or addition to, an existing SFD be exempt from design standards ?	Because the City does not have design requirements specific to duplexes, this requirement may not apply. However, the Design Review process dictates the design of housing. Design Review will be further evaluated in the Procedures section.	MC
Would other middle housing types created by internal conversion of, or addition to, an existing SFD be allowed provided the conversion or addition does not increase nonconformance with the Code?	Nothing in the Code explicitly exempts SFD from being converted into middle housing types. These conversions would have to follow applicable Design Review requirements.	Y
Would other middle housing types created by internal conversion of, or addition to, an existing SFD be exempt from design standards ?	Because the City does not have residential design requirements, this requirement may not apply. However, the Design Review process dictates the design of housing. Design Review will be further evaluated in the Procedures section.	MC
Does the city offer the same clear and objective exceptions to public works standards to middle housing converted from detached SFDs that they offer to SFDs?	The City’s Public Improvements (Title 12) and Public Utilities (Title 13) provisions do not offer any exceptions to public works standards for single-family detached housing.	N/A

PROCEDURES

The OARs require that middle housing be subject to the same approval process as single-family detached dwellings, and that they be subject only to clear and objective standards, conditions, and procedures, unless discretionary standards and criteria have been adopted for historic districts, in accordance with ORS 197.307(5). Section V of this memo will further examine current procedures as they relate to SB 458 (Middle Housing Land Divisions).

TABLE 13 PROCEDURES THAT APPLY TO MIDDLE HOUSING

PROCEDURES (OAR 660-046-0215)	Assessment	Compliant (Y/N)
<p>Are all duplexes subject to the same clear and objective approval process as detached SFDs?</p>	<p><u>Design Review (18.100.030)</u></p> <p><i>(A) Design Review Type I Actions</i></p> <p><i>(2) Site plans for single-family dwellings, duplex dwellings and accessory dwelling units on individual lots or parcels.</i></p> <p><u>Design Review – Approval Criteria (18.100.040)</u></p> <p>All development subject to design review must comply with the approval criteria. There is no distinction in approval criteria between SFD and duplexes.</p> <p>Many of the design standards included within this section (18.100.040(B)) are not clear and objective. For instance, the Relation of Building to Site provision states that “The proposed structures shall be related <i>harmoniously</i> to the terrain and to existing buildings...”. To the extent that these standards would apply to middle housing, these Design Standards embedded within the Site Design Review procedure do not comply with HB 2001.</p>	<p>N</p>
<p>Triplex/Quadplex</p>	<p><u>Design Review (18.100.030)</u></p> <p><i>(B) Design Review Type II Actions</i></p>	<p>N</p>

	<p><i>(9) New development of multi-family residential projects with three or four units in the core residential district.</i></p> <p>Because triplexes and quadplexes are considered multi-family, they are subject to a different procedural review (Type II) from SFD (Type I).</p>	
Townhouses	<p>Common wall single-family and single-family attached appear to be subject to the same Design Review action (Type I) and approval criteria as single-family detached (see assessment for duplexes above). However, as mentioned in the assessment for duplexes above, the criteria is not clear and objective.</p>	N
Cottage Cluster	<p>Cottage clusters currently are not permitted in any residential zone.</p>	N/A

ADDITIONAL STANDARDS

The following table includes additional standards and requirements that apply to middle housing types that are either not required for single-family detached homes or which may present a barrier for middle housing development. These standards may need to be revised to either meet the general requirement that middle housing types are subject to the same standards as single-family detached, or to help facilitate middle housing development by removing unnecessary Code barriers.

TABLE 14: ADDITIONAL STANDARDS THAT APPLY TO MIDDLE HOUSING UPDATES

ADDITIONAL NOTES	Assessment	Compliant (Y/N)
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<p>Lot Width and Lot Shape</p>	<p><u>Single-Family Residential (R-7 – 18.20.050(E))</u></p> <p><i>(1) No single-family lot shall be less than 60 feet in width or less than 60 feet in depth, except as may be approved as part of a planned unit development.</i></p> <p><i>(2) In the case of in-fill development on parcels, as defined by the city’s current vacant land inventory, the commission may allow the lot width to be reduced to 50 feet.</i></p> <p><i>(3) In the case of in-fill development on parcels, as defined by the current city vacant land inventory, the lot width at the street may be reduced to not less than 20 feet for a single lot and not less than 30 feet for two dwelling units. A flag design shall serve no more than two lots.</i></p> <p><u>Single-Family Residential (R-10 – 18.25.050(D))</u></p> <p><i>No single-family lot shall be less than 80 feet in width or less than 80 feet in depth, except as may be approved as part of a planned unit development.</i></p> <p>The State does not require the minimum lot width for duplexes, triplexes, quadplexes, and townhomes to be no greater than the lot width requirement for SFD. However, if the City chooses to apply lot widths to these types, it is recommended that the same lot width is applied in order to maintain a similar scale and reduce barriers for conversions or infill development of middle housing. In addition, if these lot width and depth limits result in lot sizes that conflict with OAR provisions for middle housing lot sizes, they will need to be revised.</p> <p>The flag lot provisions also may conflict with HB 2001 and the OARs, depending on how they are interpreted and applied.</p>	<p>MC</p>
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<p>Access</p>	<p><u>Single-Family Residential – Access Streets (18.20.060(C))</u> <i>(3) Cul-de-sacs shall serve no more than 12 residential units...</i></p> <p>This standard does not directly conflict with HB 2001 or minimum compliance standards. However, limiting access by number of units may pose a barrier for middle housing development on cul-de-sacs and would effectively preclude development of middle housing on any of the lots in areas where a cul-de-sac provides access to 12 lots. The City may need to exempt middle housing from this requirement or revise the standard to limit to no more than 12 residential lots/parcels.</p>	<p>MC</p>
<p>Security</p>	<p><u>Design Review Approval Criteria (18.100.040)</u> <i>(7) Security. Adequate facilities shall be provided to prevent unauthorized entries to the property, facilitate the response of emergency personnel, and optimize fire protection for the building and its occupants. Adequate facilities may include, but not be limited to, the use of lighted house numbers and a project directory for multi-family projects of three or more units.</i></p> <p>If the City adopts a new definition for triplexes and quadplexes and revises the multi-family definition, this provision will need to be updated for consistency.</p>	<p>MC</p>
<p>Open Space</p>	<p><u>Design Review Special Conditions (18.100.050(A))</u> <i>Open Space, Parks and Recreation Areas. Major residential developments, 20 units or more, shall include park and recreation areas, or both. In all multi-family projects, the required park and recreation area shall include a children’s play area and play equipment for the use of residents and occupants of the multi-family project. The community development director shall have</i></p>	<p>MC</p>

	<p><i>the power to approve plans for these recreation areas.</i></p> <p>It is unclear whether this provision refers to only major residential developments or all multi-family. If it also applies to all multi-family, then tri/quadplexes must be exempt from the additional park requirements. This would be resolved with revisions of definitions, as previously mentioned.</p>	
<p>Landscape Plan</p>	<p><u><i>Core Residential Site Development Standards (18.70.060(A))</i></u></p> <p><i>(1) For multi-family residences, the entire net area of the site that is not covered by building or parking and circulation improvements shall be landscaped prior to occupancy, in accordance with the approved site plan and the standards set forth herein.</i></p> <p>These landscaping standards cannot apply to tri/quadplexes because they do not apply to SFD. This would be resolved with revisions of definitions, as previously mentioned.</p>	

V. SENATE BILL 458 AUDIT

OVERVIEW

Senate Bill 458 (SB 458) was passed by the Oregon Legislature in May 2021 as a follow-up to HB 2001. SB 458 allows land divisions for middle housing, enabling dwelling units to be sold and owned individually without the need to go through the condominium conversion process. The legislation requires cities to allow land divisions for any HB 2001 middle housing type (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) built in accordance with the local middle housing code provisions adopted under ORS 197.758. In other words, the City will be required to allow a “middle housing land division” (MHL) in residential zones where HB 2001 applies (would not apply to middle housing in a non-HB 2001 zone). The result of such a MHL will be exactly one dwelling on each resulting lot.

Even though the land may be divided, the bill specifies that “The type of middle housing developed on the original parcel is not altered by a middle housing land division.” For example, the units in a subdivided cottage cluster will not become single-detached dwellings—they will remain cottage cluster units for the purpose of applying the City’s Development Code. This means that Cornelius

and other cities will not be obligated to allow accessory dwelling units on the resulting individual cottage lots or to allow the resulting lots to be further divided. As another example, a partitioned attached triplex will not become townhouses—the units will remain triplex units, even though they each now sit on their own lots. SB 458 also establishes the review criteria and conditions cities may impose during review and approval of MHLD applications, and prevents homeowner associations or restrictive covenants from prohibiting land divisions. The provisions of SB 458 apply to MHLDs permitted on or after July 1, 2022.

SUMMARY OF SB 458 REQUIREMENTS

Below is a summary of the requirements and potential implications of SB 458. This is based on APG’s understanding of the legislation, discussion with other jurisdictions, and guidance provided by the Oregon Department of Land Conservation and Development (DLCD). Some of these issues may warrant further discussion with Cornelius’ City Attorney.

- **Applicability to all middle housing types.** SB 458 applies to any lot that allows middle housing under ORS 197.758. Further discussion of townhouses and detached plexes is provided below.
 - **Townhouses.** By definition, townhouses are already divided so that each unit is on its own lot; however, the implication of SB 458 is that townhouse proposals must be allowed to be reviewed under the expedited land division procedure specified by state statute. See below for details about expedited land divisions.
 - **Detached Plexes.** If the City chooses to allow detached forms of plexes (duplexes, triplexes, and quadplexes), the result of an MHLD for these housing types would functionally be the same as single-detached homes on undersized lots. This could be seen as a way to circumvent the City’s single-detached lot standards. It is our understanding that because it is optional to allow detached plexes, the City is not obligated to allow middle housing land divisions for detached plexes under SB 458. Therefore, if the City wished to avoid the issues noted above, it could exclude detached plexes from its MHLD provisions. (Note: It may be wise to consult the City Attorney on this issue.)
- **Only HB 2001 zones.** SB 458 only applies to middle housing permitted under ORS 197.758—i.e., in zones subject to HB 2001. Therefore, the City is only required to permit MHLDs in the R-7, R-10, A-2, and CR zones.
- **One unit on each resulting lot.** The land division must result in exactly one dwelling per lot—e.g., you cannot divide an 8-unit cottage cluster into four individual lots and fifth lot with four units. The only exception is that common areas may be located in a separate lot or shared tract.
- **Separate utilities.** Separate utilities for each dwelling unit must be provided if a development is to qualify for an MHLD.
- **Easements for shared facilities.** Easements are required for:

- Pedestrian access (e.g., all pedestrian paths in a cottage cluster)
- Common areas (e.g., common courtyards, community buildings)
- Driveways and parking areas (if shared)
- Utilities
- **Must meet building code.** The proposal must demonstrate how it meets the requirements of the building code (Oregon Residential Specialty Code). For example, if an attached duplex is being divided, there must be firewall construction between the two units. Despite this, the legislation includes provisions that suggest cities could allow a land division (i.e., approve an MHL) *before* building permit approval. However, through discussion with other jurisdictions, it seems that requiring approved building permits before allowing an MHLD may be the best approach. An approved building permit would provide assurance that the lots would be developable and meet the building code. This appears to be the most reliable way for planning staff to make an affirmative finding about a proposal’s consistency with the building code. (This may warrant further discussion with the City Attorney.)
- **Land division and permit approval sequencing.** In a typical land division, the land is divided prior to building permits being reviewed and issued for construction. However, SB 458 states that nothing “prohibits a city or county from requiring a final plat before issuing building permits”. As noted in the previous bullet, other jurisdictions have determined that the MHLD should follow building permit issuance. The division could also be approved after the development is constructed. In fact, SB 458 allows division of existing middle housing that was developed prior to HB 2001 taking effect—as long as the development meets the City’s adopted middle housing code standards. SB 458 also gives cities the option of allowing concurrent review of building permits and the land division—however, other jurisdictions have determined this approach to be impractical. We recommend discussing this matter with your City Attorney.
- **Street frontage improvements and right-of-way dedication.** SB 458 specifies that cities can require street frontage improvements and dedication of right-of-way for newly created lots abutting a street. Land divisions are often a trigger for requiring frontage improvements or dedication, whereas infill development on an existing lot may not trigger these requirements. Therefore, under SB 458, frontage improvements and right-of-way dedication may be required with an MHLD even if those improvements would not be required for a single-lot development. Such improvement or dedication would be dependent upon the City making findings to demonstrate consistency with constitutional requirements (i.e., Dolan).
- **Conditions of approval.** Cities can add conditions to the approval of an MHLD to prohibit the further division of the resulting lots and to require that a notation appear on the final plat indicating that the approval was given under the ORS provisions.
- **Tentative/final plats.** Cities may require that applicants submit tentative and final plats in a manner consistent with their applicable platting standards.

- **What cities cannot require.** SB 458 specifies that the following cannot be required as part of a middle housing land division:
 - **Street frontage for lots.** Typically, newly created lots are required to have frontage on a public or private street. SB 458 specifies that cities cannot require street frontage for lots created through an MHL (e.g., lots at the rear of the site could only have access to the street via access easement).
 - **Parking or driveway access to each lot.** While the housing must meet applicable parking requirements, cities cannot require that each resulting lot have its own parking space or driveway access. For example, a triplex could have a shared parking area with three spaces; the City cannot preclude the triplex lot from being divided such that two of the resulting lots only have access to the parking area via access easement.
 - **Minimum lot size or dimensions.** Cities cannot specify minimum area or dimensions for lots resulting from an MHL.
 - **Other review criteria.** The City cannot apply any approval criteria other than the approval criteria specified in SB 458 to applications for MHLs—these include the City’s development code standards for middle housing, separate utilities, easements, one dwelling on each lot, and building code compliance.
 - **Other conditions of approval.** The City cannot apply any conditions of approval other than those specified in the bill, and those necessary to ensure consistency with the approval criteria.

EXPEDITED LAND DIVISION PROCEDURES

SB 458 requires cities to apply the same procedure for MHLs as applied to expedited land divisions (ELDs). The ELD process is outlined in ORS 197.360 to 197.380 and provides an alternative procedure intended to streamline the review of residential land divisions under state law. Currently, land divisions must meet very specific criteria to qualify for an ELD. The ELD process is outlined below:

- Submittal requirements are consistent with typical land divisions.
- Completeness review must occur by City within 21 days of application submittal.
- Notice is given to properties within 100 ft of the site and to applicable neighborhood association(s).
- There is a 14-day comment period.
- A decision must be made by the city within 63 days after a complete application is submitted (unless extended).
- Only the applicant and any person or organization who files written comments in the comment period as specified in the bill may appeal. An appeal must be filed within 14 days of mailing the notice of decision.

- A City-appointed “referee” decides any appeal decision—often this is a city’s Hearings Officer, who must issue a decision within 42 days of the appeal being filed. The decision of the referee is the final local decision on the MHLD application.
- Appeals of the referee’s decision go to the Oregon Court of Appeals.

CODE OPTIONS AND RECOMMENDATIONS

It is important to note that SB 458 will apply to middle housing land divisions regardless of whether the City chooses to incorporate any of the provisions into the Code. Cornelius’s Code currently does not have any provisions that cite ELDs. While relatively few property owners or development applications have taken advantage of the ELD provisions in most jurisdictions, we expect MHLDs to be requested more frequently in the future. This is because MHLDs enable “fee simple” ownership of middle housing, and this type of ownership tends to be more desirable among developers, as compared to either rental housing or condominiums. Because it is expected to be used more frequently, we recommend that MHLD provisions be incorporated directly into the Code. This way, the code can clarify the MHLD requirements and their relationships with other elements of the Code, thereby easing implementation for both staff and applicants.

Below are some initial recommendations and options for incorporating the MHLD provisions into the Code.

DEFINITIONS – 18.195

We suggest considering the following definitions to the Code.

- **Housing type definitions.** SB 458 says “The type of middle housing developed on the original parcel is not altered by a middle housing land division.” It may be useful to acknowledge this in the definitions for certain middle housing types. For example, a duplex could be defined as two units on a single lot, or on separate lots if divided pursuant to a middle housing land division. (Note: New definitions for triplex, quadplex, and cottage cluster would need to be added.)
- **Definition for Middle Housing Land Division.** It may be helpful to have a definition that describes an MHLD and points to the applicable ORS requirements.
- **Middle Housing Child Lot / Parent Lot.** Potentially add definitions to distinguish between the original lot that is divided by an MHLD (“parent lot”) and the resulting lots (“child lots”). These terms would be useful within the MHLD application provisions in Title 18, and in clarifying the applicability of certain development and design standards to parent lots vs. child lots.

APPLICATION TYPES AND PROCEDURES

Because MHLDs are subject to the same procedural requirements as Expedited Land Divisions (ELD), we assume that an MHLD would not be classified as a “land use decision”. ORS 197.360 states that an expedited land division “is not a land use decision or a limited land use decision under ORS

197.015 or a permit under ORS 215.402 or 227.160.” Therefore, MHLDs cannot be classified under one of Cornelius’ land use Site Design Review applications (Type I – III). We have also assumed that MHLDs cannot be subject to requirements for things like pre-application conferences and neighborhood meetings because they are not included in the statutory procedures. The City may wish to seek advice from the City Attorney on this issue.

We recommend adding MHLDs and ELDs as new application and procedure types. The City may have a few different options for which Code section to include these new applications and procedures within:

- Title 18, Division III – Types of Permits, Applications and Requests. This division includes general land use procedures and applications that are not related to subdivisions or land divisions.
- Title 18, Division IV – Special Regulations. This division includes regulations, procedures, and application types that do not fit within a more traditional land use category, such as “Solar Access Permit”. This may better distinguish MHLDs and ELDs from land use actions.
- Title 17 – Land Divisions. This section outlines application requirements and procedures for land partitions and fee ownership subdivisions. Given the similar nature of these procedures (i.e., land divisions), it may be logical to MHLDs and ELDs in this section.

We recommend incorporating the ELD/MHLD procedures from the ORS directly into the Code to make them easier to implement. Similar to existing application types, the City could incorporate the procedures along with the application type under one ELD/MHLD section. These sections would follow a similar format as Fee Ownership Subdivision (17.05.050) or other permit types under 18.100 – 18.141, which would detail the following:

- Purpose: General statement that reflects the intent of SB 458 (e.g., To facilitate the creation of individual lots for middle housing types, which will promote fee-simple homeownership opportunities)
- Applicability: Any middle housing type (as defined by HB 2001) that is in a residential zone.
- Application and Fee: TBD
- General provisions: Follow SB 458 provisions
- Submittal requirements: TBD
- Review Criteria: Follow SB 458 criteria
- Process for Final Plat Approval: This could likely follow the same or similar process as Partitions

This section should incorporate the criteria and procedures outlined in SB 458 and ORS 197.360. Those provisions cover:

- Completeness review
- Notice requirements
- Comment period
- Decision deadline
- Extension of 63-day review timeline

- Appeal procedures

DESIGN AND DEVELOPMENT STANDARDS (VARIOUS SECTIONS) AND OTHER CONSIDERATIONS

For the various residential zone sections and other associated standards, the code should include a statement (potentially as a footnote to the development standards table) indicating that if a duplex, triplex, quadplex, or cottage cluster has been divided by a MHL, the site development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the child lots (as required by SB 458). The same exception should not apply to townhouses, since the site development standards already apply to individual townhouse lots.

The Project Team will consider how the MHL and ELD process will interact with other review agencies, such as Washington County. It is important to consider and incorporate the coordination that will likely occur among different agencies, as these procedures will need to operate on an expedited timeline.

VI. NEXT STEPS

This audit will be reviewed by the project management team (PMT), which includes Cornelius Planning staff and representatives from DLCD. Once the audit is reviewed and finalized by the PMT, the Housing Choice Project Advisory Committee will review the findings of the audit and discuss needed policy and code updates. Following the Housing Choice Project Advisory Committee meeting, the team will draft proposed amendments to the Cornelius Development Code. Note that other areas of non-compliance may be identified in later stages of the Code Update project, and the City may choose to update other areas of the Code that are not required by the State. This Code Audit serves as an initial assessment of needed updates.