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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 660

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT

FILED: 10/29/2026 11:25 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Update to Middle Housing Model Code

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

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

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HEARING(S)

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

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

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

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

NEED FOR THE RULE(S):

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

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

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

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

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

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

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

FISCAL AND ECONOMIC IMPACT:

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

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

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

COST OF COMPLIANCE:

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

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

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

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

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

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

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

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

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

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

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

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

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

HOUSING IMPACT STATEMENT:

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

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

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

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

AMEND: 660-046-0010

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

CHANGES TO RULE:

660-046-0010
Applicability
(1) A local government that is a Medium City or Large City must comply with this division.¶
(2) Notwithstanding section (1), a Medium or Large City need not comply with this division for:¶
~~(a)~~ Lots or Parcels that are not zoned for residential use~~, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;¶~~
~~(b) Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-unit dwelling; and¶~~
~~(c) Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.¶~~

(3) A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.¶
(a) Goal 5: Natural Resources, Scenic, and Historic Areas - OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.¶
(A) Goal 5 Natural Resources - Pursuant to OAR 660-023-0050 through OAR 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5:¶
(i) Medium and Large Cities may apply regulations to Duplexes that apply to detached single-unit dwellings in the same zone;¶
(ii) Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and¶
(iii) If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.¶
(B) Goal 5: Historic Resources - Pursuant to OAR 660-023-0200(7), Medium and Large Cities must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Medium and Large Cities may apply regulations adopted under OAR 660-023-0200 to Middle Housing that apply to detached single-unit dwellings in the same zone, except as provided below. If a Medium or Large City has not adopted land use regulations to protect significant historic resources listed on the National Register of Historic Places, it must apply protective measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the Medium or Large City adopts land use regulations in compliance with OAR 660-023-0200. Medium or Large Cities may not apply the following types of regulations specific to Middle Housing:¶
(i) Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-unit dwellings; and¶
(ii) Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-unit dwellings.¶
(b) Goal 6: Air, Water and Land Resources Quality - Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing.¶
(c) Goal 7: Areas Subject to Natural Hazards - Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:¶
(A) Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and¶
(B) Other hazard areas identified in an adopted comprehensive plan or development code, provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-unit dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:¶
(i) Increasing the number of people exposed to a hazard;¶
(ii) Increasing risk of damage to property, built, or natural infrastructure; and¶
(iii) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.¶
(d) Goal 9: Economic Development - Pursuant to OAR 660-009-0025, Medium and Large Cities must adopt measures adequate to implement industrial and other employment development policies, including comprehensive plan designations. Medium and Large Cities may limit the development of Middle Housing on Lots or Parcels Zoned For Residential Use designated for future industrial or employment uses.¶
(e) Goal 11: Public Facilities and Services - Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. This includes public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-unit dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving

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

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

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

AMEND: 660-046-0020

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

CHANGES TO RULE:

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

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

AMEND: 660-046-0040

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

CHANGES TO RULE:

660-046-0040
Compliance
(1) A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197A.420 and the provisions of this division.¶
(2) A Medium or Large City may request from the Department an extension of the time allowed to complete the action under section (1) pursuant to the applicable sections of OAR 660-046-0300 through OAR 660-046-0370.¶
(3) A Medium City which is A Local Government That Has Not Acted ~~by January 1, 2027, or within one year of qualifying as a Medium City pursuant to OAR 660-046-0050~~ and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4)~~.~~ until such time as the Medium City has adopted provisions under section (1).¶
(~~4~~a) A ~~Large City which is A Local Government That H~~Medium City that is in partial compliance with ORS 197A.420, ORS 197A.421, and this division shall apply any applicable model code module to an application for the development of middle housing for which the city has ~~N~~not ~~Acted by January 1, 2027, or within two years of qualifying as a Large City pursuant to OAR 660-046-0050~~adopted compliant land use regulations.¶
(b) Nothing in this subsection prohibits a Medium City from applying acknowledged land use regulations to the development of middle housing that comply with ORS 197A.420, ORS 197A.421, and this division.¶
(4) A Large City which is A Local Government That Has Not Acted and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) ~~for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development~~until such time as the Large City has adopted provisions under section (1).¶
(a) A Large City that is in partial compliance with ORS 197A.420, ORS 197A.421, and this division shall apply any applicable model code module to an application~~s~~ for th~~at specific M~~e development of middle ~~H~~housing ~~type until such time as the Large City has adopted provisions under section (1)~~for which the city has not adopted compliant land use regulations.¶
(b) Nothing in this subsection prohibits a Large City from applying acknowledged land use regulations to the development of middle housing that comply with ORS 197A.420, ORS 197A.421, and this division.¶
(5) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large City's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium or Large City is deemed to have acted. Accordingly, the Medium or Large City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:¶
(a) The Medium or Large City has adopted land use regulations or amended its comprehensive plan in response to the remand; or¶
(b) 120 days after the date of the remand. If the Medium or Large City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium or Large City is deemed not to have acted under sections (3) and (4).¶
(6) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large ~~c~~City's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court on any substantive grounds, the Medium or Large City is deemed to have not acted under sections (3) and (4).¶
(7) If a Medium or Large City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the Medium or Large City shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.¶
(8) Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4)~~,~~ and (5), the Model Code completely replaces and pre-empts any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

AMEND: 660-046-0110

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

CHANGES TO RULE:

660-046-0110
Provisions Applicable to Duplexes in Medium Cities
(1) Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).¶
(2) Medium Cities may regulate siting and design of Duplexes, provided that the regulations:¶
(a) Are clear and objective standards, conditions, or procedures consistent with ORS 197A.400; and¶
(b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.¶
(3) Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-unit dwellings in the same zone.¶
(4) Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:¶
(a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);¶
(b) Permitted uses and approval process provided in OAR 660-046-0115;¶
(c) Siting standards provided in OAR 660-046-0120;¶
(d) Design standards in Medium Cities provided in OAR 660-046-0125;¶
(e) Duplex Conversions provided in OAR 660-046-0130; and¶
(f) Any siting and design standards in the Model Code contained in ~~section~~ OAR 660-046-0010(4)(a) or OAR 660-008-0410 applicable to Medium or Large Cities.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420

AMEND: 660-046-0210

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

CHANGES TO RULE:

660-046-0210
Provisions Applicable to Middle Housing in Large Cities
(1) Large Cities may regulate Middle Housing to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).¶
(2) Large Cities may regulate siting and design of Middle Housing, provided that the regulations:¶
(a) Are clear and objective standards, conditions, or procedures consistent with the requirements of ORS 197A.400; and¶
(b) Do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable costs or delay.¶
(3) Siting and design standards that do not, individually or cumulatively, discourage the development of Middle Housing through unreasonable cost and delay include only the following:¶
(a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);¶
(b) Permitted uses and approval processes provided in OAR 660-046-0215;¶
(c) Siting standards provided in OAR 660-046-0220;¶
(d) Design standards in Large Cities provided in OAR 660-046-0225;¶
(e) Middle Housing Conversions provided in OAR 660-046-0230;¶
(f) Alternative siting or design standards provided in OAR 660-046-0235; and¶
(g) Any siting and design standards in the Model Code contained in OAR 660-046-0010(4)(b) or OAR 660-008-0410 applicable to Large Cities.
Statutory/Other Authority: ORS 197.040
Statutes/Other Implemented: ORS 197A.420