

memo

to City of Sandy and DLCD

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re Sandy Draft Code Update
DLCD Mass Timber Code-UP Project

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Introduction and Background

This memo proposes updates to the Sandy Development Code that are intended to help facilitate the construction of mass timber and other modular or prefabricated housing products. The recommendations herein are based on an audit of current development regulations and are supported by adopted City housing policy, which is reviewed in the next section, Comprehensive Plan Review and Recommendations. For simplicity, the Sandy Development Code will be referred to as the “Code” in this memo. The recommended updates to the Code are guided by the Oregon Prefabricated and Modular Housing Model Code and Audit Workbook and are the result of an audit performed for Sandy (see Attachment).

This update to the Code is part of the DLCD Mass Timber Development Code Update (Code-UP) project, which includes three parts:

- 1) Create a Prefabricated and Modular Housing Model Code and Audit Workbook (mentioned above) to assist local governments in updating their development codes to facilitate all types of prefabricated and manufactured housing development.
- 2) Provide technical assistance to ten jurisdictions (including Creswell) to update their development codes consistent with guidance and recommendations identified in the Prefabricated and Modular Housing Model Code and Audit Workbook.
- 3) Engage underrepresented communities to share information about mass timber housing opportunities and understand their thoughts and concerns. Assist each participating jurisdiction in communicating the regulatory changes necessary to allow mass timber modular housing and other types of prefabricated, modular, and manufactured housing and provide support through the legislative code amendment/adoption process.

The Code-UP project is a component of a wider initiative being led by the Oregon Mass Timber Coalition (OMTC) to promote the development of mass timber construction in Oregon. Mass timber modular housing is an innovative construction approach that combines the use of engineered wood products (mass timber) with the benefits of off-site modular or prefabricated construction. The Code-UP project is also occurring in conjunction with the Mass Timber Equitable Engagement project, which is intended to inform communities about mass timber modular housing and understand each community’s views and

potential concerns related to mass timber.¹ For more information and background on the Code-UP project, visit the [Mass Timber Modular Housing Code-UP Project webpage](#).

Prefabricated and Modular Housing Building Code Considerations

Mass timber prefabricated and modular housing may be subject to varying building code and inspection requirements. Some manufacturers may choose to construct prefabricated or modular homes to HUD federal building code, in which case the home would be subject to the same local inspection processes as other manufactured homes. “Panelized” homes that are built to the Oregon Residential Specialty Code (ORSC) would currently require local inspection, but this is an emerging industry and in-factory inspection may be required depending on the building components in the manufactured panels. “Volumetric” homes built to ORSC and completed inside a manufacturing facility would need to be inspected during the manufacturing process. Prefabricated housing of all types is an emerging industry and processes for building inspection are still evolving. The Mass Timber Tech Hub at Oregon State University is working on developing recommendations for how the state can address inspections efficiently to support increased housing production.

Mass timber construction is currently addressed in both the ORSC and the Oregon Structural Specialty Code (OSSC). No additional training is required for building officials to perform an inspection for this construction type. To learn more about how mass timber prefabricated and modular construction is addressed by state building codes, see the “Build Back Better Regional Challenge Planning and Building Code Barriers Analysis.”²

Comprehensive Plan Review and Recommendations

A review of the City’s housing Goals and Policies in the adopted Envision Sandy 2050 Comprehensive Plan confirmed that the City supports increasing supply and providing a range of housing types. Specifically, Goals 37 and 38 include policies that are particularly supportive of the proposed Code updates.

Sandy Housing Policies

- **Policy 37.4** – Allow for development of a range of housing types both for ownership and rental, that allow people to live and work in Sandy.
- **Policy 37.5** – As required by State legislation, identify barriers to private sector housing development for a range of housing types, including affordable housing, and develop policies to reduce development barriers.
- **Policy 38.1** – As required by State legislation, identify, and remove barriers to developing needed housing types according to where they are allowed.

¹ Public outreach is the focus of the Equitable Engagement activities. To support adoption of updated land use regulations, the project management team consisting of the consultant and DLCD staff will provide information and support through the legislative code amendment and public adoption process. Public outreach activities will also be coordinated with engagement tasks that are part of the other Code update project.

² BBBRC Planning and Building Code Barriers Analysis.

https://www.oregon.gov/lcd/CPU/Documents/final_BBBRC_Audit_T6_report_120722_clean.pdf

The existing Comprehensive Plan housing goals and policies do not conflict with the recommended Code updates. No updates are needed for the housing goals and policies.

Code Amendments

The recommended Code amendments are focused on creating options for housing developers to utilize prefabricated and modular housing products, including those constructed using mass timber. Prefabricated and manufactured housing are both forms of factory-built housing and they share many characteristics. Therefore, manufactured housing is also addressed in the recommendations, with updates focused on simplifying implementation, expanding flexibility, and reducing barriers for manufactured housing and prefabricated housing.³

Text modifications are included for the following Development Code sections:

- **Section 17.10.30 – Meaning of Specific Words and Terms.** Revise existing housing definitions to be inclusive of prefabricated dwellings and create new definitions that support mass timber modular housing products.
- **Section 17.12.10 – Type I Administrative Review.** Clarify that manufactured *dwellings* and prefabricated dwellings within manufactured dwelling parks are subject to a Type I review.
- **Residential Zones (Sections 17.34, 17.36, and 17.38).** Minor amendments to ensure consistency with state rules for manufactured homes and prefabricated dwellings and to allow cottage clusters.
- **Section 17.74.70 – Accessory Dwelling Units.** Update this section to increase flexibility for certain development standards and to ensure consistency with state rules.
- **Section 17.84.10 – Exemptions.** Exempt ADUs from public facility improvement requirements.
 - Update this section to remove design barriers to prefabricated and modular dwellings.
- **Design Standards and Review Procedures (Sections 17.90.10 and 17.90.40).** Ensure design standards that apply to single-family also apply to ADUs and prefabricated dwellings, and make cottage clusters subject to Type II Design Review.
- **Section 17.98.20 – Off-Street Parking.** Set parking standards for cottage clusters.
- **Chapter 17.104 – Cottage Clusters.** Create a new section of supplementary development and design standards for cottage clusters based on the Middle Housing Model Code.

Proposed Code modifications are presented in an underline/strikeout legislative amendment format, where underlined text indicates new text, and strikeout indicates existing, adopted text recommended for removal. A description and summary of the proposed updates are provided in the gray text boxes for each section. Other Code text may be included for context and reference, otherwise the only sections that are shown are those that have recommended amendments.

³ The City generally complies with state rules for manufactured housing; recommendations in this memo are intended to simplify local Code implementation and improve consistency with the rules.

SECTION 17.10.30 – MEANING OF SPECIFIC WORDS AND TERMS

The City should update definitions that could have the effect of precluding or limiting prefabricated or manufactured housing and adding definitions needed to support proposed amendments in other sections of the Code.

Cottage Cluster

Cottage cluster housing provides an excellent opportunity to utilize prefabricated construction or manufactured homes to provide more affordable housing options. Although the City is not required to allow cottage clusters, this form of development is ideal for mass timber prefabricated development. Therefore, the City should consider allowing cottage clusters, including adding a new definition and code section regulating cottage clusters. The definition of cottage cluster that is used in state statute (ORS 197A.420(1)(b)) may be suitable.⁴ The City may also consider additional definitions for terms that are used in the proposed cottage cluster standards. Included as proposed Code text are definitions from the cottage cluster model code for the following terms: common courtyard, cottage, and cottage cluster project.

Cottage clusters that are composed of manufactured or prefabricated dwellings may also overlap with the definition of “manufactured dwelling park,” if the cluster development provides spaces for rent. Manufactured dwelling parks with more than six units are subject to the requirements for “Mobile Home and Manufactured Dwelling Parks” in ORS 446.003 to 446.140. To address this potential overlap, we recommend that the City note in the cottage cluster definition that if the development also meets the definition of manufactured dwelling park, it may be subject to additional standards in ORS 446.

Common Courtyard: A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

[...]

Cottage: An individual, detached dwelling unit that is part of a cottage cluster.

Cottage Cluster: A grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard.⁵ Cottage

⁴ Note, because Sandy is under 25,000 in population, and therefore not subject to the cottage cluster requirements of ORS 197A.420, the City is not required to be consistent with the statutory definition for cottage clusters.

⁵ ORS 197A.420(1)(b)

clusters that also meet the definition of “manufactured dwelling park” or “mobile home park” may be subject to additional requirements, pursuant to ORS 446.003 through 446.140.

Cottage Cluster Project: A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

[...]

Manufactured Homes and Prefabricated Dwellings

Changes to State law, including House Bill 4064 (HB 4064, 2022),⁶ have resulted in updates to the definitions and regulations related to manufactured dwellings, prefabricated structures, and manufactured dwelling parks. This includes changes to the statute that requires local governments to allow manufactured and prefabricated homes wherever single-family detached homes are allowed. The City complies with these new state rules, however minor amendments may help simplify and clarify implementation. For example, the City’s current definition for “manufactured home” is consistent with state statute, however the City may consider a simplified definition that more closely reflects the state’s current definition.

Manufactured home: A dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but not to State Building Code standard and constructed for movement on public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is used for residential purposes and was constructed, and met the requirements of federal manufactured housing construction and safety standards and regulations in effect at the time of construction. All manufactured homes are to meet the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, as amended on August 22, 1981, consistent with HB 2863 Oregon Laws, 1989, and current Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards as embodied in the most recent Federal Register. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

SECTION 17.12.10 – TYPE I – ADMINISTRATIVE REVIEW

Manufactured Dwellings, Prefabricated Dwellings, and Manufactured Dwelling Parks

The City currently includes manufactured homes under the definition for single-detached dwellings. However, the manufactured homes are listed separately in the Type I Design Review applicability. This could be simplified by just listing single detached

⁶ House Bill 4064. <https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB4064>

dwellings. If the City wishes to still explicitly list manufactured homes on individual lots, then it is recommended to also list “prefabricated dwellings” on individual lots separately.

The Code currently lists “manufactured homes within manufactured dwelling parks” as subject to Type I review. Because all types of manufactured dwellings (manufactured homes, mobile homes, and residential trailers) and prefabricated dwellings need to be allowed in manufactured dwelling parks, each of these uses should be listed as being subject to a Type I decision, or the code could just use the term “dwellings.”

Type I decisions are made by the Planning Director or someone he or she designates without public notice or a public hearing. The Type I procedure is used when applying standards and criteria to an application requires no use of discretion. A decision of the Director under the Type I procedure may be appealed by an affected party or referred by the Director in accordance with Chapter 17.28.

Administrative Decision Requirements. The City Planning Official or designee's decision shall address all of the approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained within the record, the City Planning Official shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.

Type of Applications:

- A. Design review for single-family dwellings, duplex dwellings, ~~manufactured homes on individual lots, manufactured homes~~ dwellings within manufactured dwelling parks, accessory dwellings and structures.

SECTION 17.34.10 – SFR PERMITTED USES

Manufactured Homes

ORS 197.478 requires that local governments allow prefabricated dwellings and manufactured homes on all land zoned to allow the development of single-unit dwellings (within an urban growth boundary). Sandy’s Code meets this requirement. However, because the Code’s definition for single-detached dwelling currently includes manufactured homes and prefabricated dwellings, the Code also lists manufactured homes separately under allowed uses in the SFR, R-1, and R-2 zones, which is somewhat redundant. To simplify implementation, the City could remove “manufactured homes” as a separately listed use.

Alternatively, if the City wishes to still list manufactured homes separately as an allowed use, then “prefabricated dwelling” should also be listed separately. Listing manufactured home as an allowed use and not prefabricated dwelling may imply that prefabricated dwellings are not allowed in this zone.

Cottage Clusters

None of the residential zones currently allow cottage clusters. As mentioned, this type of development offers an excellent opportunity to provide additional housing options that utilize prefabricated and modular products. Therefore, the City may wish to permit cottage clusters outright in residential zones.

A. Primary Uses Permitted Outright:

1. Single detached dwelling subject to design standards in Chapter 17.90;
2. ~~Single detached manufactured home subject to design standards in Chapter 17.90;~~
3. Duplex.
4. Single room occupancy with up to six SRO units.
5. Cottage clusters, subject to standards in Chapter 17.104.

SECTION 17.36.10 – LOW DENSITY RESIDENTIAL (R-1) PERMITTED USES

A. Primary Uses Permitted Outright

1. Single detached dwelling (subject to design standards in Chapter 17.90);
2. ~~Single detached manufactured home (subject to design standards in Chapter 17.90);~~
- [...]
7. Cottage clusters (subject to the standards in Chapter 17.104)

SECTION 17.38.10 – MEDIUM DENSITY RESIDENTIAL (R-2) PERMITTED USES

A. Primary Uses Permitted Outright

1. Single detached dwelling (subject to design standards in Chapter 17.90);
2. ~~Single detached manufactured home (subject to design standards in Chapter 17.90);~~
- [...]
8. Cottage clusters (subject to the standards in Chapter 17.104)

SECTION 17.40.10 – HIGH DENSITY RESIDENTIAL (R-3) PERMITTED USES

A. Primary Uses Permitted Outright:

[...]

9. Cottage clusters (subject to the standards in Chapter 17.104).

SECTION 17.74.70 – ACCESSORY DWELLING UNITS

Sandy's Code expressly allows ADUs to be modular/prefabricated or a manufactured home, which is supportive of these housing construction types.

ADU Maximum Square Footage

Standards that overly restrict the size of an ADU can pose a barrier, including to the use of prefabricated construction, in which components may come in limited sizes. The City recently increased the ADU maximum square footage from 600 square feet to 720 square feet in 2021.^C The project team feels that the City could increase the maximum ADU size further, as ADUs often reach sizes of 900 or 1,000 square feet, which is a

common ADU size maximum in other communities. Therefore, it is recommended that the City allow ADUs to be at least 800 to 900 square feet or 75 to 85 percent of the primary dwelling's floor area, whichever is less.

While not an issue for prefabricated detached ADUs, it is also recommended that internal ADUs that occupy a whole level of the primary structure (e.g., a basement unit) also be allowed to be as large as the level's floor area.

ADU Setbacks

Overly large setback requirements can limit siting options for an ADU on a lot. ADUs are smaller than typical homes and likely have less impact on adjacent properties.

Therefore, the City should consider allowing reduced rear and side setbacks for ADUs.

B. Dimensional Standards.

Type	Standard
Minimum Average Lot Width, Frontage, Depth	Same as underlying zoning district
Maximum square footage	<u>720 900 sq. ft. or 85% of the primary dwelling's square footage, whichever is less.</u>
Maximum number of occupants	3
Setbacks	<u>Front: Same as underlying zoning district</u> <u>Rear: 10 feet or same as underlying zoning district, whichever is less.</u> <u>Side: 5 feet or same as underlying zoning district, whichever is less.</u>
Structure Height	Same as underlying zoning district
Building Site Coverage	No maximum
Off-Street Parking	No minimum
Landscaping	Same as underlying zoning district

C. Design Standards

1. The accessory dwelling unit shall be accessory to the primary residence.
2. The ADU shall have a pedestrian walkway that connects the primary entrance of the ADU to the public sidewalk. The pedestrian walkway shall consist of concrete, asphalt, stone, brick, permeable pavers and shall be permanently affixed to the ground with gravel subsurface. ~~Other materials may be requested as part of a discretionary review and approved by the Director.~~
3. An ADU may be stick-built, modular/prefabricated, or a manufactured home in compliance with Section 17.90.140.
4. Detached ADUs shall provide at least three of the Required Design Elements in Subsection 17.90.150.F on the street-facing façade(s) and shall provide at least ten percent windows on the ground floor elevation of the street facing façade(s). These standards apply even if the ADU is located behind the primary residence; in such cases, the standards apply to the façade that is closest to and within 45 degrees of the street.

SECTION 17.84.10 – EXCEPTIONS [IMPROVEMENTS]

Requiring public facility improvements for an accessory dwelling unit may be a significant barrier and cost prohibitive for their development, especially for an individual property owner. In addition, this housing type has comparable impacts on public facilities as single-family units and duplexes.

Single family residential, accessory dwelling unit, and duplex development on existing lots with existing public improvements are exempt from this chapter, with the exception of 17.84.30 Pedestrian and Bicyclist Requirements.

SECTION 17.90.10 – DESIGN STANDARDS APPLICABILITY

[...]

- D. Residential Dwelling Exception: Single detached dwellings, duplexes, ~~manufactured homes on individual lots~~, accessory dwelling units, cottage clusters and manufactured dwellings and prefabricated dwellings in parks are exempt from all requirements of this chapter except for Section 17.90.150.

SECTION 17.90.40 – TYPE OF [DESIGN] REVIEW

Cottage Cluster Design Review

If the City chooses to allow cottage clusters, then it is recommended that they be subject to a Type II process, along with multifamily housing.

- A. Type I—Administrative. Type I review applies to single family dwellings, duplex dwellings, ~~manufactured homes on individual lots~~, manufactured homes and prefabricated dwellings within manufactured dwelling parks, and permitted residential accessory dwellings and structures.

- B. Type II—Director's Review. Type II review includes floor area expansions greater than the thresholds for a Type I review and all other multi-family, cottage cluster, commercial, industrial development, and non-residential development on residentially zoned land that is in compliance with code standards, except where a Type III procedure is requested or required.

SECTION 17.98.20 – OFF-STREET PARKING REQUIREMENTS

Off-street parking requirements can pose a significant barrier to housing development, as parking can limit site design flexibility and increase development costs. Therefore, the recommendation is to require no more than one space per unit for cottage clusters.

Residential / Congregate Living Uses	Number of Parking Spaces	Number of Bicycle Spaces
Single Family Detached/Attached	2 per dwelling unit	Exempt
Duplexes	1 per dwelling unit	Exempt
Manufactured Dwelling Park	2 per dwelling, plus 1 visitor space for each 10 vehicle spaces	Exempt
Multi-Family Dwellings	1.5 per studio unit or 1-bedroom unit 2.0 per 2-bedroom unit or greater	1 per dwelling unit
Single Room Occupancy	1 per SRO unit	Exempt
Congregate Living, Retirement Homes, Intermediate Care Facilities, Group Care Facilities, and Halfway Houses	1 per each 3 occupants, plus 1 per 2 employees	5% or 2 whichever is greater
<u>Cottage Cluster</u>	<u>1 space per unit</u>	<u>Exempt</u>

CHAPTER 17.104 COTTAGE CLUSTERS

As mentioned, we recommend that the City consider adopting new standards to facilitate cottage cluster housing. The recommended cottage cluster Code section below

is adapted from DLCD's Middle Housing Model Code, and includes provisions for dwelling size, a shared courtyard area, community buildings, pedestrian connections, parking design, and other issues unique to cottage cluster housing.⁷ The Model Code was developed for jurisdictions that are required to comply with ORS 197A.420 / House Bill 2001 (2019) and is consistent with the Administrative Rules in OAR 660-046. Although Sandy is not required to comply with state cottage cluster requirements, we recommend the model code text as best practice for enabling cottage cluster development, with modifications as necessary to fit local circumstances (provided those modifications are clear and objective).

Section 17.104.00 Intent

Cottage clusters shall meet the standards of this section in addition to any other applicable zoning or development standards. Wherever these standards conflict with requirements in other sections, the standards of this section shall take precedence.

Section 17.104.10 Cottage Cluster Development Standards

A. Applicability.

1. Cottage clusters shall meet the standards in subsections (B) through (F) of this Section 17.104.10.
2. The following standards are invalid and do not apply to cottage clusters allowed by this code, except as specified in this Section 17.104.10:
 - Additional development standards of the applicable base zone related to the standards addressed under subsections (B) through (F) of this Section 17.104.10.
 - Development standards of the applicable base zone related to lot dimensions, lot coverage, floor area ratio, landscape or open space area, or the siting or design of dwellings.
 - The jurisdiction's other development standards that apply only to cottage clusters and that conflict with provisions of this code.

B. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone.

C. Maximum Density. The jurisdiction's pre-existing density maximums do not apply.

D. Setbacks and Building Separation.

1. Setbacks. Cottage clusters shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone, except that minimum setbacks for dwellings in excess of the following are invalid:
 - Front setbacks: 10 feet
 - Side setbacks: 5 feet
 - Rear setbacks: 10 feet

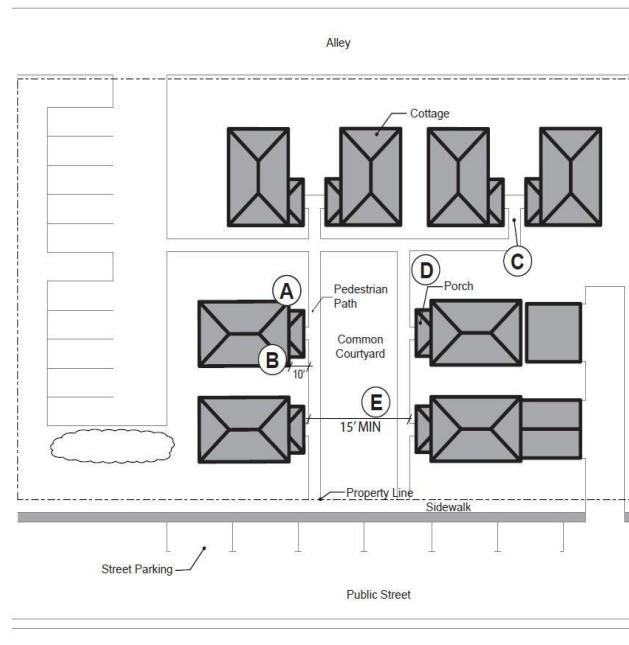
⁷ Middle Housing Model Code. https://www.oregon.gov/lcd/Commission/Documents/2020_12_Item-2-Attachment%20C_LMCMC_Commission%20Draft_final_120220.pdf

2. Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
- E. Average Unit Size. The maximum average floor area for a cottage cluster is 1,400 square feet per dwelling unit. Community buildings shall be included in the average floor area calculation for a cottage cluster.
- F. Building Height. The maximum building height for all structures is 25 feet or two (2) stories, whichever is greater.

Section 17.104.20 Cottage Cluster Design Standards

Cottage clusters shall meet the design standards in subsections (A) through (H) of this Section 17.104.20. No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section 17.104.20.

- A. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure XX):
 1. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 2. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - a. Have a main entrance facing the common courtyard;
 - b. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - c. Be connected to the common courtyard by a pedestrian path.
 3. Cottages within 20 feet of a street property line may have their entrances facing the street.
 4. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
- B. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure XX):
 1. The common courtyard must be a single, contiguous piece.
 2. Cottages must abut the common courtyard on at least two sides of the courtyard.
 3. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection (A) of this Section 17.104.20).
 4. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 5. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 6. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

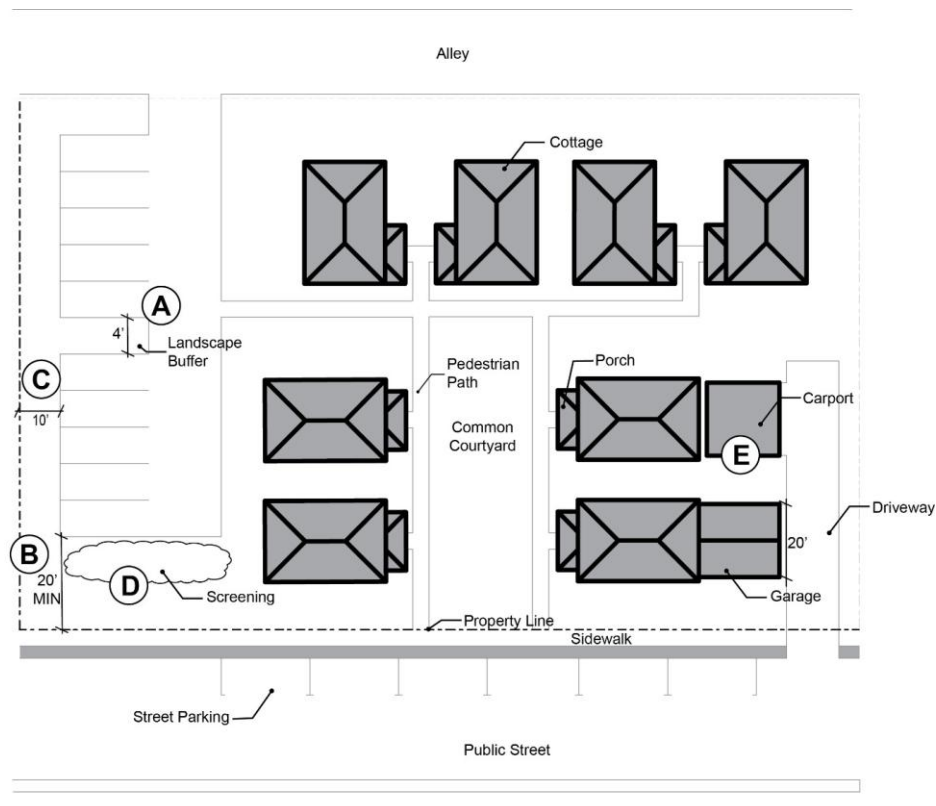
Figure XX. Cottage Cluster Orientation and Common Courtyard Standards

- C. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
1. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection 17.104.10(E).
 2. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.
- D. Pedestrian Access.
- A minimum of 50% of cottages must be oriented to the common courtyard.
 - Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
 - Cottages must be connected to the common courtyard by a pedestrian path.
 - Cottages must abut the courtyard on at least two sides of the courtyard.
 - The common courtyard must be at least 15 feet wide at its narrowest width.
1. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - a. The common courtyard;
 - b. Shared parking areas;

- c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- 2. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.
- E. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single family dwellings in the same zone.
- F. Parking Design (see Figure XX).
 - 1. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - a. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
 - b. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
 - c. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
 - d. Clustered parking areas may be covered.
 - 2. Parking location and access.
 - a. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - Within of 20 feet from any street property line, except alley property lines;
 - Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - b. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
 - 3. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 - 4. Garages and carports.
 - a. Garages and carports (whether shared or individual) must not abut common courtyards.
 - b. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - c. Individual detached garages must not exceed 400 square feet in floor area.
 - d. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
- G. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.
- H. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
 - 1. The existing dwelling may be nonconforming with respect to the requirements of this code.
 - 2. The existing dwelling may be expanded up to the maximum height in subsection 17.104.10(D) or the maximum building footprint; however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.

3. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
4. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (A)(1) of this Section 17.104.20.

Figure XX. Cottage Cluster Parking Design Standards



- (A) Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B) No parking or vehicle area within 20 feet from street property line (except alley).
- (C) No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D) Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E) Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Attachment – Cottage Cluster Considerations

COTTAGE CLUSTER MODEL STANDARDS

The recommended cottage cluster standards are from the [Oregon Prefabricated and Modular Housing Model Code and Audit Workbook](#), which is based on the Middle Housing Model Code. The Middle Housing Model Code was developed for jurisdictions that are required to comply with ORS 197A.420 (formerly 197.758 / House Bill 2001 (2019)), and its content is consistent with OAR 660-046 requirements. Jurisdictions not required to comply with ORS 197A.420 are also encouraged to incorporate some or all of the Middle Housing Model Code into their development codes to promote greater housing choices in their communities. The full Middle Housing Model Code can also be downloaded from this webpage: <https://www.oregon.gov/lcd/housing/pages/choice.aspx>.

COTTAGE CLUSTER CHALLENGES FOR SMALL AND RURAL COMMUNITIES

While cottage cluster housing offers an excellent opportunity to use prefabricated and manufactured housing to provide more affordable housing options, it can be challenging to develop, particularly in smaller and rural communities. Local jurisdictions should consider these challenges in developing regulations for cottage cluster housing and in communicating with local property owners and community members about this housing opportunity.

Infrastructure: The Middle Housing Model Code (see appendix) requires cottage cluster housing developers to demonstrate that “sufficient infrastructure” is provided, or will be provided, upon submittal of an application. “Sufficient infrastructure” is defined to include connections to public water and sewer systems capable of meeting established service levels. This can be a challenge in rural communities, where many homes rely on well water and septic systems. Extending public water and sewer facilities to the site could render a project financially infeasible.

Even if relying on septic systems, denser cottage clusters may not be feasible since septic drainfields may take up quite a bit of space. Still, there may be innovative solutions for cottage cluster design where public sewer is unavailable – such as shared septic systems.

Construction Costs: The smaller size of individual cottage units does not necessarily translate to lower construction costs per unit. It may be more challenging to make a cottage cluster development “pencil out” financially in rural areas where property values are often lower – and therefore, potential rents or home sale prices are also lower. Efficient use of space, innovative construction methods, and economies of scale will need to be carefully considered. This is an area where prefabricated construction methods can yield particular benefits for a project.

Community Concerns: Cottage cluster developments can face resistance from existing communities, particularly if residents are not familiar with this housing type. Concerns about increased density and potential impacts on parking or traffic may contribute to community opposition. When considering new cottage cluster regulations, community engagement and education about the need for and benefits of cottage cluster housing will be essential to community acceptance.