

House Bill 2001, 3395, and 4046 Code Amendments

PRESENTED TO THE SHERIDAN CITY COUNCIL ON:
SEPTEMBER 16TH, 2024
BY LIAM F. BEAN, LAND USE PLANNER

Amendments overview

The goal of the proposed amendments is to:

1. Comply with new state laws regarding housing
2. Remove other barriers to housing development within the code
3. Streamline the code to increase accessibility and encourage development

The majority of the work for this code update is funded through DLCD

1. **ADU Standards (3-9)**
 - What is an ADU?
 - Compliance with HB 2001
 - Other ADU code proposals
2. **Duplex Standards (10-14)**
 - What is a duplex?
 - Compliance with HB 3395
3. **SRO Standards (15-20)**
 - What is an SRO?
 - Compliance with HB 3395
4. **Manufactured Dwelling Standards (21-29)**
 - Changing definitions
 - Compliance with HB 4064
 - Other compliance issues
5. **Removal of “barriers to housing” (27-35)**
 - Re-evaluate design standards
 - Mixed-uses in the mixed-use zone
 - Proposal to permit “three-bay” shops
 - Attached single-unit
6. **Other Code Cleanup (36)**



ADU Standards

Draft amendments page 68-69

What is an ADU?

Definitions:

SMC 16.109.010 - An interior, attached or detached residential structure with kitchen, bathroom and living areas that is used in connection with or that is accessory to a single-family dwelling.

ORS 197.312 - An interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

- ADU's are small dwellings permitted as accessory uses to single-unit dwellings.
- ADU's can be detached or attached
- ADU's can be additional units for family members or rental properties



▲ Accessory dwelling units (or ADUs) come in many shapes and styles.

Compliance with HB 2001

House Bill 2001 Amended ORS 197.312 to read...

“A city with a population greater than 2,500 ... shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.”



“Reasonable local regulations relating to siting and design” **does not include owner-occupancy requirements of either the primary or accessory structure or requirements to construct additional off-street parking.**

Compliance with HB 2001

ADU Criteria are identical across zones & several criterion must be removed:

1. *An ADU may be detached from the primary dwelling, an addition to the primary dwelling, the conversion of a portion of the primary dwelling, or an addition to or the conversion of an attached or detached garage, provided the requirement for at least two (2) parking spaces for the primary dwelling and two (2) parking spaces for the ADU is met.*
2. The property owner shall occupy the primary dwelling or the ADU.
3. **Parking.** Two (2) on-site parking spaces per ADU shall be provided in addition to the minimum parking requirement of the primary dwelling. The ADU parking spaces are not required to be in a carport or garage, but their surface shall be paved or concrete. The ADU parking spaces shall be accessed via an existing driveway, or a new driveway provided the new driveway is not on an arterial or collector and is installed in accordance with the Sheridan Public Works Construction Code.

Other ADU code proposals

These are options for the planning commission to consider which would encourage the production of ADUs

Discussion Question

Which middle housing configuration do you prefer:

- (A) - Detached single-unit dwelling and detached ADU
- (B) - Attached duplex



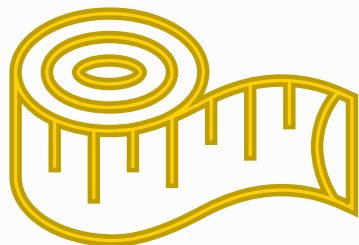
Other ADU code proposals

These are options for the planning commission to consider which would encourage the production of ADUs



Location in the Code

remove from zoning sections combine into single section



Minimum ADU Size

slightly increase size to allow residents to use free plans



Relax Architectural Standards

reduce administrative burden and allow for homeowners to more readily access prefabricated or modular ADUs

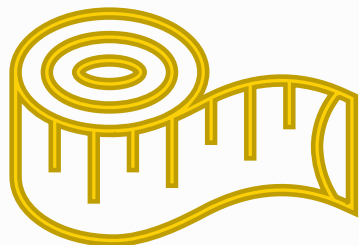
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These are options for the planning commission to consider which would encourage the production of ADUs



Location in the Code

remove from zoning sections combine into single section



Minimum ADU Size

slightly increase size to allow residents to use free plans

600 SF Was the maximum supported by planning commission



Relax Architectural Standards

reduce administrative burden and allow for homeowners to more readily access prefabricated or modular ADUs



Duplex Standards

Draft amendments page 7, 11, 19-20, 33-34, & 55

What is a duplex?

Definitions:

OAR-660-046-0020 – Two attached dwelling units on a lot or parcel. A Medium or Large City may define a Duplex to include two detached dwelling units on a Lot or Parcel.



SMC 16.109.010 – A detached building containing two dwelling units designed exclusively for occupancy by two families living independently of each other.

- Duplexes are medium sized structures on a single lot
- A duplex must have two dwelling units
- In Sheridan, units in a duplex must be attached
- “Detached” duplexes (two small SFDs on the same lot or parcel) are allowed by the State
- Sheridan allows for vertically split (stacked) or horizontally split duplexes

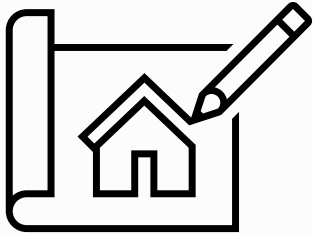
Compliance with HB 3395

House bill 3395 extends the duplex rules for “Medium Cities” introduced in HB 2001 to cities of greater than 2,500 persons, like Sheridan.

Each city ***with a population of 2,500 or greater*** and less than 25,000 shall allow the development of a duplex on ***each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.***

Compliance with HB 3395

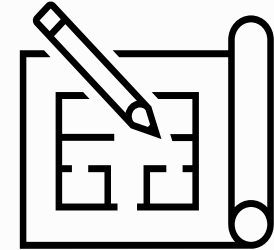
Through previous rule making for “Medium” and “Large” cities the Department of Land Conservation and Development interpreted **each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings** to mean:



Design standards (including parking) must be the same



A city cannot treat the dwelling types differently in any way



Minimum lot size must be the same

Compliance with HB 3395

As a result, the code must be amended to allow duplexes in all residential zones with a minimum parking requirement of 2-spaces:

Underlying Zone				
Duplex Lot Size	R-1	R-2	R-3	UT
	7,000 sf	5,000 sf	5,000 sf	40 acres

Staff proposes only these minimum amendments be made.



SRO Standards

Draft amendments page 1-2, 6-7, 11, 19-20, 33-34, 55, 60

What is an SRO?

Definitions:

Single-room Occupancy (**SRO**)

SB 3395 - A residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

- SROs are comparable to dormitories or hotels
- SROs can look like large SFD's with individually rented rooms or large apartment like buildings
- SROs were a historical form of workforce housing (boarding houses & hotels)
- SROs were often used for mid-term accommodations
- SROs support workforce housing, transitional housing, and co-housing

Compliance with HB 3395

House Bill 3395 has two different and conflicting requirements and density standards. The mandate uses language like House Bill 2001, **each lot or parcel zoned to allow.**

“Within an urban growth boundary, each local government shall allow the development of a single room occupancy”

Standard 1

“With up to six units on each lot or parcel zoned to allow for the development of a detached single-family dwelling”

Standard 2

“With the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units”

Compliance with HB 3395

House Bill 3395 has two different and conflicting requirements and density standards. The mandate uses language like House Bill 2001, **each lot or parcel zoned to allow.**

“Within an urban growth boundary, each local government shall allow the development of a single room occupancy”

AKA – 4-6 units on lots which could have a SFD. 7,000 (R-1) or 5,000 (R-2/3) square foot lots in residential zones.

AKA – 7 or more units permitted at the same density standard as multifamily dwellings. 17,000 square feet (R-2/3) for 7 units, w/ 2,000 for each additional unit

Compliance with HB 3395

Staff proposes the Sheridan Code be simplified with two different SRO definitions:

“Single Room Occupancy Dwelling”

A building with no fewer than four attached dwelling units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant but require that the occupant share sanitary or cooking facilities with other units in the building.

“Boarding House”

A detached single room occupancy building on a single lot with between four (4) and six (6) attached units which are secure and lockable. Boarding houses are intended to be smaller in scale than other single room occupancies and are compatible with low density residential uses such as single-family detached dwellings and duplexes.

Parking:
SRO | 1/DU
Boarding House | 2

R-1 Dimensional Standards	
Minimum Lot Area ^[1] (sq. ft.)	
Single-unit dwelling (detached)	7,000
Two-unit dwelling	7,000
Boarding house	7,000
Public utility structures	-
All other uses	7,000

Proposed Minimum Dimensional Standards Resulting from HB 3395

R-2 Dimensional Standards			
Minimum Lot Area			
	<i>minimum number of dwelling units</i>	<i>minimum lot area (square ft.)</i>	<i>adtl. lot area for each adtl. unit beyond the minimum (square ft.)</i>
Single-unit dwelling (detached)	1	5,000	n/a
To be discussed...			
Two-unit dwelling	2	5,000	n/a
Boarding house	4	5,000	n/a ^[1]
Multi-unit dwelling	3	9,000	2,000
Single room occupancy	4	11,000	2,000
Public utility structures	n/a	-	n/a

R-3 Dimensional Standards			
Minimum Lot Area			
	<i>minimum number of dwelling units</i>	<i>minimum lot area (square ft.)</i>	<i>adtl. lot area for each adtl. unit beyond the minimum (square ft.)</i>
Single-unit dwelling (detached)	1	5,000	n/a
To be discussed...			
Two-unit dwelling	2	5,000	n/a
Boarding house	4	5,000	n/a ^[1]
Multi-unit dwelling	3	9,000	2,000
Single room occupancy	4	11,000	2,000
Commercial uses	n/a ^[2]	5,000	n/a ^[2]
Public utility structures	n/a	-	n/a
All other uses	n/a	5,000	n/a

Compliance with HB 3395



Manufactured Home Standards

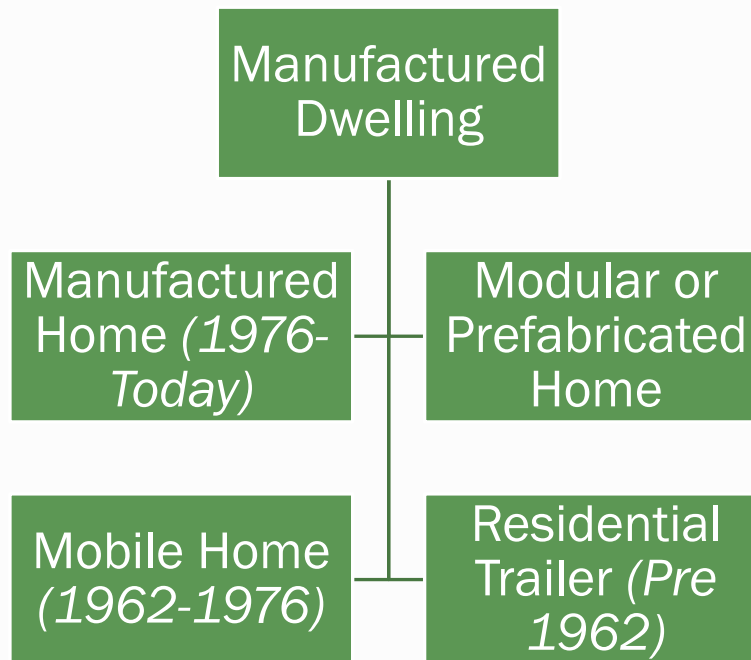
Draft amendments page 3-4, 6, 65-68

Changing definitions

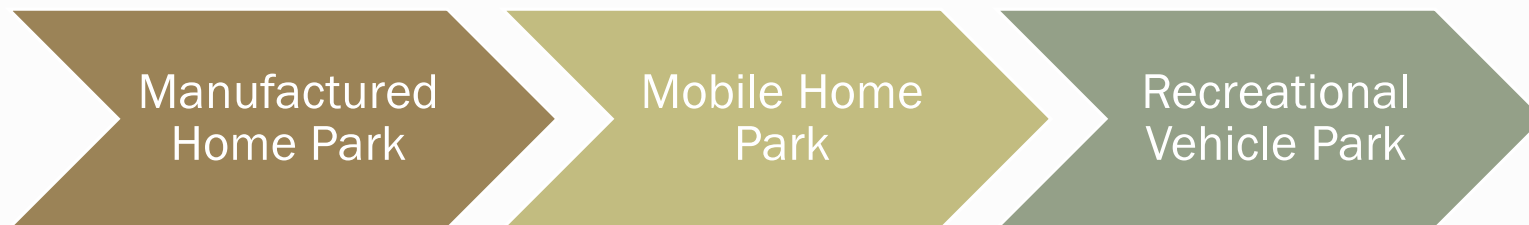
There are a multitude of definitions in ORS and OAR for prefabricated and pre-engineered structures

The current code update include all relevant definitions

The current code update matches existing definitions to state standards



Recreational Vehicle

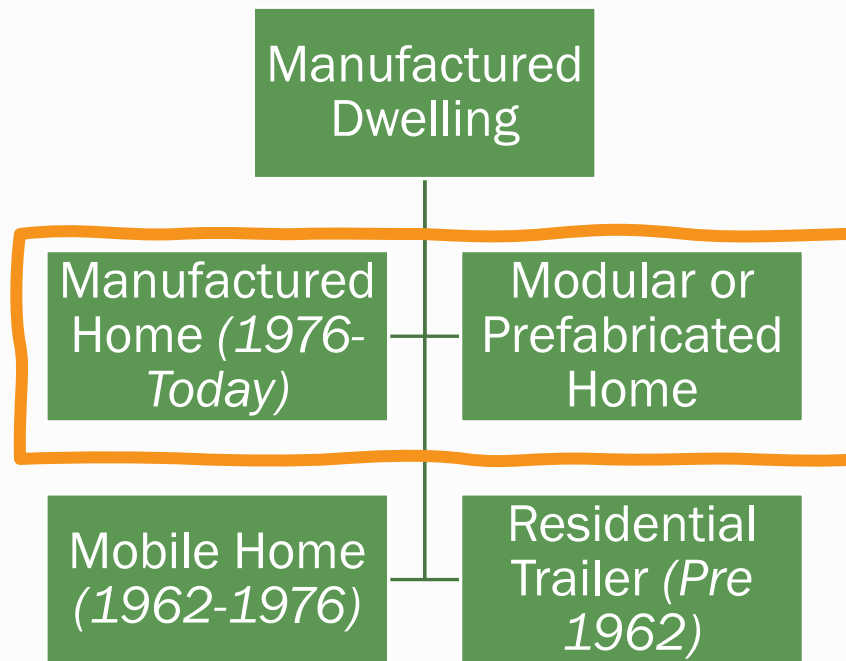


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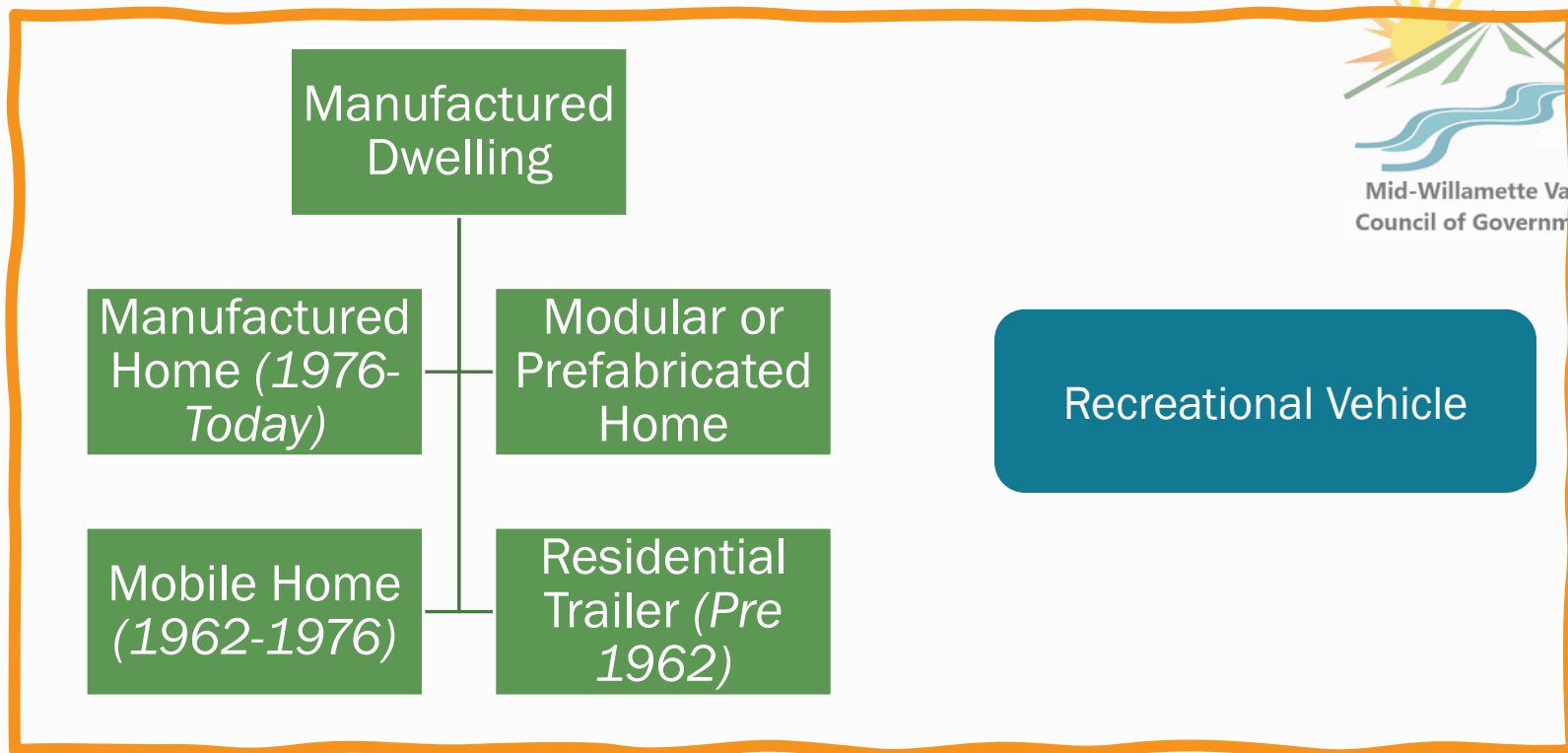


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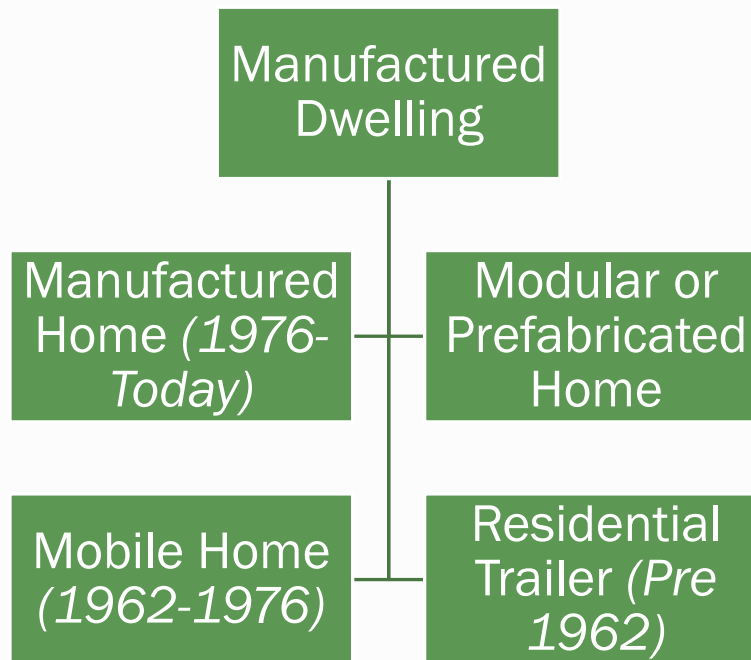


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There are a multitude of definitions in ORS and OAR for prefabricated and pre-engineered structures

The current code update include all relevant definitions

The current code update matches existing definitions to state standards



3D Mockup of a Modular Home



Changing definitions

- The Sheridan Code already allows for prefabricated housing
- New state definitions encourage prefab & modular homes in Manufactured Dwelling Parks
- Mass Timber: Increases prefab options

Compliance with HB 4046


HB 4046 re-affirms the state stance that Manufactured Homes and Prefabricated Homes should be treated the same as Single-Family Dwellings.

“A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, site-built single-family dwelling on the same land, except:

(a) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal; or

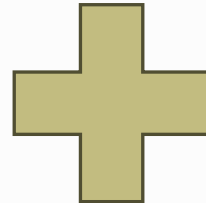
(b) To require that the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.”

Compliance with HB 4046



**Remove all design
criterion except:**

- a. Thermal envelope performance
- b. Location near historic landmarks



“Single-unit Detached Dwelling”

Single-unit detached dwelling" means a detached building on a lot or parcel that is comprised of a single dwelling unit. Single-unit dwellings may be constructed entirely on site or may be manufactured homes, or modular or prefabricated dwellings.

Other compliance issues

CURRENT

- Manufactured home subdivisions permitted in each zones use table
- The manufactured home subdivision standards don't consider parks older than 2001
- Remnant of a time before manufactured homes could be placed as SFDs
- Age based placement standard

SUGGESTED

- Remove from use table and from each zoning section
- Define manufactured home subdivision in manufactured home design standards section
- Reference ORS for subdivision of parks older than 2001
- Remove age-based standard from zoning districts



Removal of other “Barriers to Housing”

Various pages in the Draft Amendments

Re-evaluate design standards (ex. page 13)

1. Dormer(s) or gable(s);
 2. Cupola(s);
 3. Bay or bow window(s);
 4. Exterior shutters;
 5. Recessed entry or entries;
 6. Front porch at least one hundred (100) square feet in area;
 7. Covered porch entry or entries; and
 8. Pillars or posts in the front entry or entries.
 9. Eave(s) (minimum six inches).
 10. Off-set(s) on building face or roof (minimum sixteen (16) inches).
- What are the purpose of architectural design standards?
 - Where should architectural design standards live?
 - Currently there are design standards for:
 - SFDs
 - ADUs
 - Design standards are found in the zoning districts
 - PC encouraged removing arbitrary architectural design standards.
 - CC should consider:
 - The rights of property owners
 - Neighborhood design overlays
 - What Sheridan should look like

Mixed-uses in the mixed-use zone (page 39)



**The difference between R-2 & 3 is
commercial use.**

However...

**Mixed-use buildings are not permitted
outright.**

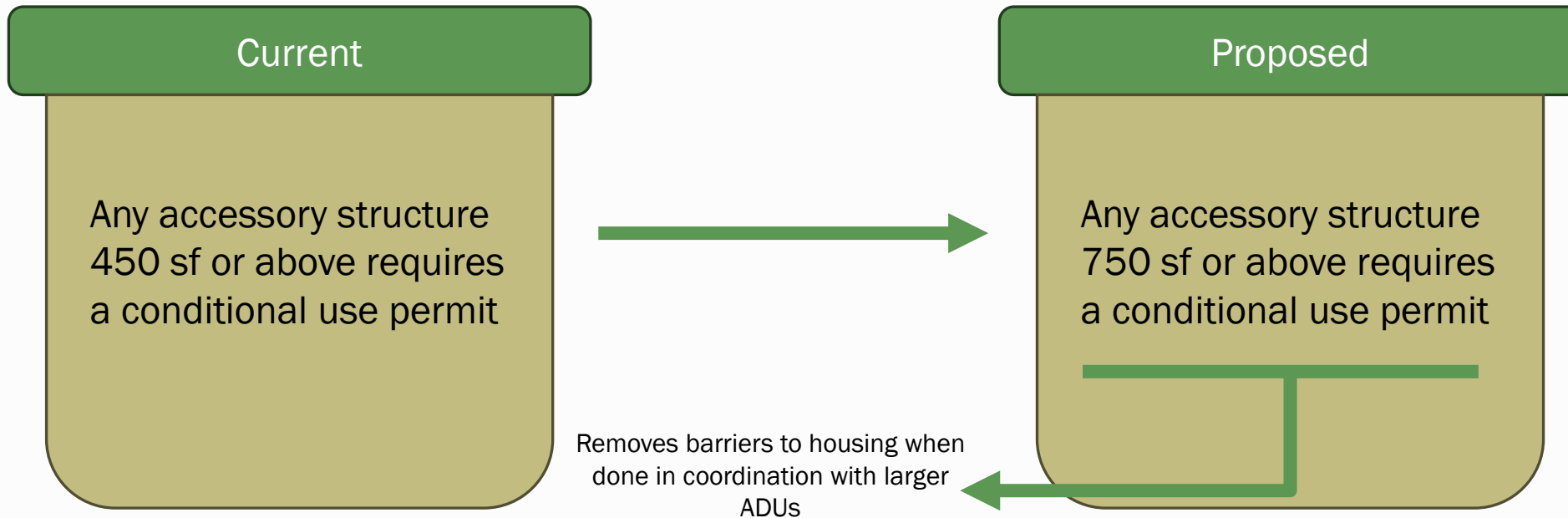
Staff propose allowing dwelling units to be established in buildings with commercial uses at the same rates allowed in commercial zones.

This proposal allows mixed commercial and residential in a zone which already allows limited commercial.

Proposal to allow 3-bay shops (Ex. page 24-25)

Perhaps the most common planning inquiry at the City of Sheridan:

Can I build a shop/garage on my residential property?



“Middle Housing Land Division” – ORS 92.031

“As used in this section, “middle housing land division” means a partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758...”

...A city or county shall approve a tentative plan for a middle housing land division...”

Attached single-unit

HB 3395 creates an issue for cities like Sheridan which:

Previously permitted attached single-family

Are more than 2,500 persons

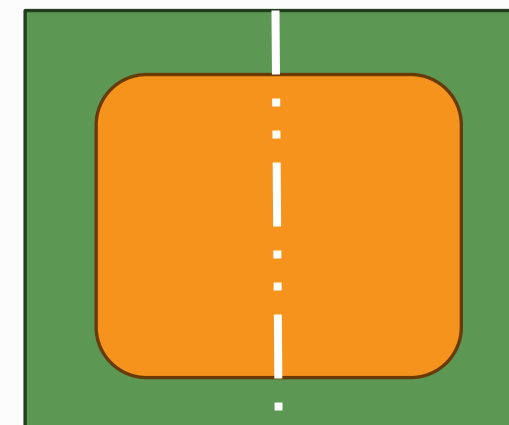
5,000 SF R-2 lot

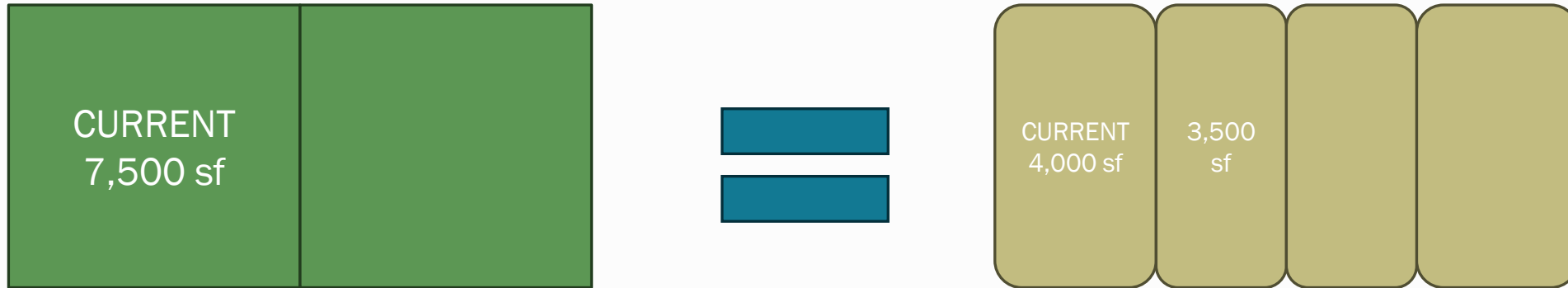


Middle Housing
Land Division

*ignores City
standards*

Two 2,500 SF R-2 lots





The current code allows for duplexes and townhomes in the R-2 & 3 zones

- 1 Duplex (2 units) 7,500 sf | 2 Townhomes 8,000 sf
- 2 Duplex (4 units) 1,500 sf | 4 Townhomes 1,500 sf

ATTACHED SINGLE-UNIT

Attached single-unit

Discussion: Pros and Cons of duplexes and townhomes

Discussion Question

Which middle housing configuration do you prefer:

- (A) – Four contiguous townhomes
- (B) – Two duplexes

Attached single-unit

CODE WHICH FAVORS DUPLEXES

- Duplexes are commensurate in scale to single-family dwellings
- Duplexes provide more rental opportunities for families
- Duplexes will have a lower parking mandate

CODE WHICH FAVORS TOWNHOMES

- Townhomes provide more ownership opportunities
- Townhomes are commensurate in scale to small apartment buildings
- Townhomes attract both first time homeowners and “downsizers”

Attached single-unit

PLANNING COMMISSION FAVORED TOWNHOMES

- Options for new families to stay
 - Planning commission discussed the need to have new families and new generations who are in Sheridan to stay
- Image of Sheridan as a place to live not a place to rent
- Higher parking mandate

CODE WHICH FAVORS TOWNHOMES

- Townhomes provide more ownership opportunities
- Townhomes are commensurate in scale to small apartment buildings
- Townhomes attract both first time homeowners and “downsizers”

Attached single-unit

Options

- 1) do nothing: 5,000 | 4,000 | 3,500
- 2) back to equal: 5,000 | 2,500 | 2,500
5,000 | 3,000 | 2,000
- 3) favor townhomes 5,000 | 2,500 | 2,000

Attached single-unit

Options

- 1) do nothing: 5,000 | 4,000 | 3,500
- 2) back to equal 5,000 | 2,500 | 2,500
5,000 | 3,000 | 2,000
- 3) favor townhomes 5,000 | 2,500 | 2,000

Option Selected by PC



Attached single-unit

Minimum lot areas resulting from PC recommendation:

R-2 Dimensional Standards			
Minimum Lot Area			
-	<i>minimum number of dwelling units</i>	<i>minimum lot area (square ft.)</i>	<i>adtl. lot area for each adtl. unit beyond the minimum (square ft.)</i>
Single-unit dwelling (detached)	1	5,000	n/a
Single-unit dwelling (attached)	1	2,500	n/a
Two-unit dwelling	2	5,000	n/a
Boarding house	4	5,000	n/a ^[1]
Multi-unit dwelling	3	9,000	2,000
Single room occupancy	4	11,000	2,000
Public utility structures	n/a	-	n/a
To be discussed....			

R-3 Dimensional Standards			
Minimum Lot Area			
-	<i>minimum number of dwelling units</i>	<i>minimum lot area (square ft.)</i>	<i>adtl. lot area for each adtl. unit beyond the minimum (square ft.)</i>
Single-unit dwelling (detached)	1	5,000	n/a
Single-unit dwelling (attached)	1	2,500	n/a
Two-unit dwelling	2	5,000	n/a
Boarding house	4	5,000	n/a ^[1]
Multi-unit dwelling	3	9,000	2,000
Single room occupancy	4	11,000	2,000
Commercial uses	n/a ^[2]	5,000	n/a ^[2]
Public utility structures	n/a	-	n/a
All other uses	n/a	5,000	n/a

Attached single-unit

Shared wall requirement (page 70):

- Closes a code loophole
- “Breezeway” townhomes
- Has been confusing for buyers and developers



Parking requirement (page 60):

- SFDs cannot count garage
- Allow garage to count for Attached SFD



Other Code Cleanup

The proposed amendments do not change the requirements of the code

The proposed amendments improve the accessibility of the code

- Concatenated use table (page 5)
 - Common in modern codes
 - Makes future amendments simpler
- Definition clean-up (throughout)
 - Mass Timber Code-UP (state model code) changes “family” to “unit”
 - Clean up of manufactured home definitions
- Dimensional standards tables (throughout)
 - Added for R-1, R-2, R-3, and UT Zones
 - Common in modern codes
 - Easier for folks to understand
- Give standards their own section (throughout)
 - Makes code leaner
 - Makes code quarriable
 - Different philosophical approach
- Removal of Density Standard
 - Will still exist in future comp plans
 - Confusing for applicants
 - Contradicted by new standards/state laws
 - Can be “reverse engineered” when necessary