



December 2022, City Council Meeting Agenda Item No. 4

TXT-2022-03 Options



GLADSTONE
Oregon

City Council

- Options for Manufactured Homes
- Options for Middle Housing Land Divisions



HB 4064 [2022] Manufactured Dwellings -

HB 4064 [2022] prohibits cities from regulating manufactured dwellings in a manner that is inconsistent with detached 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.”



Image Source: HUD - <https://www.hud.gov/OMHP>

17.06.328 Manufactured dwelling.

“Manufactured dwelling” is a dwelling that meets either of the following:

1. 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; or
2. A building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site, and that is relocatable, more than eight and one-half feet wide and designed for use as a single-family dwelling.

~~“Manufactured dwelling” means a single household dwelling with a Department of Housing and Urban Development (HUD) label certifying that the structure was constructed on or after June 15, 1976, and met the requirements of the Federal Manufactured Housing Construction and Safety Standards and Regulations in effect at the time of construction, consistent with 1989 Oregon Laws, Chapter 380, 1989. This definition shall not apply to structures known as “modular homes” where such modular homes are constructed in accordance with all requirements of the state building code for modular homes and bear the Seal of Approval of the State of Oregon,~~

17.10.060 and 17.12.060- Current

(4) Manufactured Dwellings. All manufactured dwellings on individual lots in this district shall meet or exceed the following design standards:

- (a) The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet;
- (b) The manufactured dwelling shall be placed on an excavated, backfilled foundation and enclosed at the perimeter such that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured dwelling is placed on a basement, the 12-inch limitation shall not apply;
- (c) The manufactured dwelling shall have a pitched roof of not less than three feet in height for each twelve feet in width;
- (d) The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material on surrounding dwellings;
- (e) The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required of single-family dwellings constructed under the Oregon Residential Specialty Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification standards. Additional manufacturer’s certification shall not be required in such cases.
- (f) The manufactured dwelling shall have a garage or carport constructed of like materials. An attached or detached garage may be approved in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

Option 2 & 5 – Modify 17.10.060 and 17.12.060- Amendments recommended by Planning Commission

(4) Design Features. Single-family dwellings shall include at least ~~two~~ **four** of the following **on each street-facing façade** (to address OAR 660-046-0225(1)) ~~each dwelling unit~~:

- (a) Dormer;
- (b) One or more windows that face the street lot line;
- (c) Cupola;
- (d) Bay or bow window;
- (e) Gable;
- (f) Covered porch entry;
- (g) Eaves (minimum ~~six~~ **12** inches projection); ~~and~~
- (h) Offset on building face or roof (minimum 16 inches);
- (i) Roof pitch of not less than three feet in height for each twelve feet in width; and**
- (j) Garage or carport. The garage or carport can be attached (see 17.12.060(1)) or detached.**



Image Source: OHCS - <https://www.oregon.gov/ohcs/mmcrp/pages/index.aspx>

17.10.060 and 17.12.060- Potential Amendments Continued:

(5) Foundations shall meet the following design standards:

- a. The dwelling shall be placed on an excavated, backfilled foundation and enclosed at the perimeter such that no more than 12 inches of the enclosing material is exposed above grade; and
- b. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home; and
- c. If the dwelling sits on a basement, the 12-inch limitation shall not apply.

(6) As part of the building permit process for manufactured dwellings, the applicant shall provide a certification from the manufacturer that the manufactured dwelling 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.



Image Source: Census - <https://www.census.gov/programs-surveys/mhs.html>

Option 5 – Remove Sections 17.10.060 and 17.12.060 Entirely

~~(4) Manufactured Dwellings. All manufactured dwellings on individual lots in this district shall meet or exceed the following design standards:~~

- ~~(a) The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet;~~
- ~~(b) The manufactured dwelling shall be placed on an excavated, backfilled foundation and enclosed at the perimeter such that no more than 12 inches of the enclosing material is exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured dwelling is placed on a basement, the 12-inch limitation shall not apply;~~
- ~~(c) The manufactured dwelling shall have a pitched roof of not less than three feet in height for each twelve feet in width;~~
- ~~(d) The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material on surrounding dwellings;~~
- ~~(e) The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards equivalent to the performance standards required of single-family dwellings constructed under the Oregon Residential Specialty Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification standards. Additional manufacturer’s certification shall not be required in such cases.~~
- ~~(f) The manufactured dwelling shall have a garage or carport constructed of like materials. An attached or detached garage may be approved in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.~~

Gladstone Planning Commission Recommendation:

Gladstone Planning Commission recommended the City Council consider and adopt the amendments related to Manufactured Homes to be consistent with the requirements for site built homes in response to HB 4064.

Approving Option 2 from the staff report will adopt the amendments that we just covered and those coming up.

17.06 Amendments-

17.06.231 Household. - amended **location** for consistency with the alphabet.

17.06.330 Middle housing land division.

The partition or subdivision of a lot of record that is developed, or proposed to be developed, with middle housing dwelling units. The type of middle housing developed on the original lot of record is not altered by a middle housing land division. Middle housing land divisions are expedited land divisions that are subject to the process outlined in ORS 197.375.

SB 4064 [2021] Expedited or Middle Housing Land Divisions-

(2) A city or county shall approve a tentative plan for a middle housing land division if the application includes:

17.30.040 Middle housing land divisions -

(1) Middle housing land divisions criteria. Middle housing land divisions shall be subject to the following requirements:

- (a) The property to be divided must be developed or proposed to be developed with middle housing that complies with the Oregon residential specialty code and the land use regulations applicable to the original lot or parcel.
- (b) The division must result in exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas;
- (c) Each dwelling unit shall have separate utilities.
- (d). Easements shall be provided for each dwelling unit

Proposed language in 17.30.040 Continued

(2) Additional Submittal Requirements for Middle Housing Land Divisions. In addition to the submittal requirements found in 17.32.020, or 17.34.020 as applicable, an application for a middle housing land division shall include the following additional information:

(a). Demonstration that the property to be divided is developed or proposed to be developed with middle housing that complies with the standards applicable to middle housing on or after July 1, 2022. If middle housing development is proposed, a copy of building permit applications and construction plans that have been submitted to or approved by the Building Codes Division shall be included in the application;

(b). Locations of the easements necessary for:

1. Locating, accessing, replacing, and servicing all dwelling units;
2. Pedestrian access from each dwelling unit to a private or public road;
3. Any common areas or shared building elements; and
4. Any shared driveways or parking; and

(c). Location of each middle housing dwelling unit, any other development on the lot or parcel, and location of all areas to be retained under common ownership.

(d). Demonstration that there are separate utilities for each dwelling unit;

Proposed language in 17.30.040 Continued

(5) Extended review time. After seven days' notice to the applicant, the governing body of the local government may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for a middle housing land division prior to the expiration of the 63-day period. The decision to extend the 63-day review period shall be based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380 and the Gladstone Municipal Code, including the appeal process, shall remain applicable to the middle housing land division, except that the extended period shall be substituted for the 63-day period wherever applicable.

The process of review for middle housing land divisions is found in 17.94.050(5). However this extended review time is proposed for inclusion here because it only applies to middle housing land divisions and is a resource for applicants not wanting to read the statutes which are referenced in 17.94.050(5)

SB 4064 [2021] Expedited or Middle Housing Land Divisions-

(3) A city or county may add conditions to the approval of a tentative plan for a middle housing land division to:

(a) Prohibit the further division of the resulting lots or parcels.

(b) Require that a notation appear on the final plat indicating that the approval was given under this section.

Proposed language in 17.30.040 addressed these option

(1) continued:

(e) Each resulting lot shall be prohibited from further division.

(f) Accessory dwelling units shall not be permitted on a resulting lot.

(g) The type of middle housing developed on the original lot is not altered by a middle housing land division (e.g., a duplex remains a duplex even if it is divided along the common wall).

Proposed optional language in 17.30.040 Continued

(3) Combining plats. If a middle housing land division is approved for the lots or parcels included in an approved, unexpired preliminary plat for a subdivision, partition, or replat, then the final plat for the subdivision, partition, or replat and the final plat for the middle housing land division may be combined as a single final plat.

(4) Final plats for middle housing land divisions. If the final plat is for a middle housing land division, it shall contain a notation that the lots shown on the plat were created pursuant to a middle housing land division and may not be further divided.

Proposed language in 17.64 -Design Standards for Land Divisions and Property Line Adjustments

- *Proposed language identifies those areas that apply*
- *Identifies those items that cannot be applied to middle housing land divisions.*
- *The easements are identified as a section for all land divisions and so the easements required for middle housing land divisions included in 17.64, but is duplicative of language in 17.30*

Proposed language in 17.92

17.92 amended to address items specifically related to middle housing land divisions and to provide consistency with other items such as the appeal process for administrative decisions

~~(6) The decision of the City Administrator or designee shall become final unless appealed in writing within fifteen (15) days of the notice of decision.~~

~~(a) If appealed, the application shall be reviewed by the Planning Commission at a public hearing.~~

~~(b) The decision of the Planning Commission shall be final unless appealed to the City Council.~~

Proposed to be moved from 17.94 to 17.92 since similar details for appeals to Planning Commission Decisions are found in Section 17.92

SB 4064 [2021] Expedited or Middle Housing Land Divisions- Appeals

17.92.010 Appeal to Planning Commission.

An appeal from a ruling or interpretation of the City Administrator or designee regarding a requirement of this title may be made only to the Planning Commission and must be accompanied by a filing fee.

(1) The decision of the City Administrator or designee shall become final unless appealed in writing within fifteen (15) days of the notice of decision except as provided for in paragraph 2 of this subsection.

(a) If appealed, the application shall be reviewed by the Planning Commission at a public hearing.

(b) The decision of the Planning Commission shall be final unless appealed to the City Council.

(2) For middle housing land divisions, the appeal shall be submitted within fourteen 14 days of the City Administrator's or designee's written decision with a \$300 filing fee. The appeal should state in detail the nature of the decision, determination or requirements and the grounds upon which the applicant deems herself/himself aggrieved. If an appeal is not filed within the fourteen (14) day period, the decision of the City Administrator or designee shall be final.

Proposed language in 17.94

17.94.050(1) amended to include the middle housing land divisions and consistently reference administrator decisions

17.94.050 (5) outlines the process for middle housing land divisions – could include this amount of detail or be limited to a reference of the ORS

SB 4064 [2021] Expedited or Middle Housing Land Divisions- Hearings

17.94.050 City Administrator decisions.

(1) The following types of applications shall be reviewed by the City Administrator or designee and a decision rendered:

(a) Lot line adjustments;

(b) Type I partitions;

(c) Middle housing land divisions, whether submitted pursuant to GMC Subsections 17.32 or 17.34 using the process specified in 17.94.050(5);

(d) Home occupations;

(e) Water quality resource area determinations pursuant to GMC Subsection [17.27.020](#)(6);

(f) WQ District permits pursuant to GMC Subsection [17.27.030](#) (2).

(g) Habitat Conservation Area permits pursuant to GMC Subsection [17.25.060](#) (C)(3)

(h) Flood Management Area pursuant to GMC Subsection 17.29.070

(gi) Billboard permits;

(~~h~~ j) Adjustments, pursuant to GMC Chapter [17.73](#).

Additionally Staff requests the PC consider the following language in 17.32 related to expiration of Subdivisions

17.32.030 Final plat.

(1) Expiration of Approval. Approval of a tentative plan shall expire if a final plat consistent with the tentative plan is not submitted to the City Administrator or designee **and recorded with the County Clerk** within ~~one~~ **three** years of the date of the final decision. ~~Upon request, the one-year period may be renewed once by the Planning Commission for not more than one year.~~ **If the City Administrator or designee's final decision is appealed, the approval period shall commence on the date of the final appellate decision. The City Administrator or designee shall extend this three-year period by one year if a written request for an extension is received by the Planning Department prior to the expiration of the three-year period. The approval period extension is not applicable to middle housing land divisions**

- As noted in the staff report SB458 does not allow this time extension for Middle housing land divisions.

Additionally Staff requests the PC consider the following language 17.34 related to expiration of partitions for consistency with middle housing land divisions

17.34.025 Final plat.

(1) Expiration of Approval. Approval of a tentative plan shall expire if a final plat consistent with the tentative plan is not submitted to the City Administrator or designee, approved, and recorded with the County Clerk within three years of the date of the final decision. If the City Administrator or designee's final decision is appealed, the approval period shall commence on the date of the final appellate decision. The City Administrator or designee shall extend this three-year period by one year if a written request for an extension is received by the Planning Department prior to the expiration of the three-year period. The approval period extension is not applicable to middle housing land divisions.

City of Gladstone Planning Commission Recommendation:

Gladstone Planning Commission recommends City Council considers and adopts amendments related to Manufactured Homes to be consistent with the requirements for site built homes in response to HB 4064 and the amendments related to Middle Housing Land Divisions and expiration of partition and subdivision approvals including:

Adding language related to the optional items in SB 458

Adding language related to the expiration of partitions and recording of final plats.

Staff recommends Approving Option 2 from the staff report will adopt the amendments that were recommended by the Planning Commission.