



August 2022, Planning Commission Meeting Agenda Item No. 4

R7.2 and R5 Related Code Amendment Options



Planning Commission Work Session

- 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>

17.10.060 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 A – 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.~~

Option B – Modify 17.10.060 and 17.12.060- Potential Amendments for consideration and discussion:

(3) Design Features. Single-family dwellings shall include at least two of the following design features:

- (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 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 for consideration and discussion:

(3) 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.



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

17.10 and 17.12.060-Potential Amendments Continued

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

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- ~~(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.~~

STAFF RECOMMENDATION:

Gladstone Planning Commission provides staff with direction for each option related to Manufactured Homes. At the direction of the Planning Commission there will be public notice of the additional amendments and the PAPA notice for the Downtown Amendments will be modified to include amendments related to HB 4064.

SB 458 [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:
- (a) A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197.758 (5);
 - (b) Separate utilities for each dwelling unit;
 - (c) Proposed easements necessary for each dwelling unit on the plan for:
 - (A) Locating, accessing, replacing and servicing all utilities;
 - (B) Pedestrian access from each dwelling unit to a private or public road;
 - (C) Any common use areas or shared building elements;
 - (D) Any dedicated driveways or parking; and
 - (E) Any dedicated common area;
 - (d) Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and
 - (e) Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code.



SB 458 [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.



SB 458 [2021] Expedited or Middle Housing Land Divisions-

Unless the applicant requests to use the procedure set forth in a comprehensive plan and land use regulations in Chapter 17., a local government shall use the following procedure for an expedited land division, as described in ORS 197.360, or a middle housing land division under section 2 of this 2021 Act:

(1)(a) 21 days of receipt of the application to determine if complete

(b) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(2) The local government shall provide written notice of the receipt of the completed application for [*an expedited*] a land division to any state agency, local government or special district responsible for providing public facilities or services to the development and to owners of property within 100 feet of the entire contiguous site for which the application is made.



SB 458 [2021] Expedited or Middle Housing Land Divisions-

(3) The notice required under subsection (2) of this section shall: include items identified in SB458

(4) After notice under subsections (2) and (3) of this section, the local government shall:

(a) Provide a 14-day period for submission of written comments prior to the decision.

(b) Make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the substantive requirements of the [local government's] applicable land use regulations. An approval may include conditions to ensure that the application meets the applicable land use regulations. For applications subject to this section, the local government:

(A) Shall not hold a hearing on the application; and



SB 458 [2021] Expedited or Middle Housing Land Divisions-

Key Takeaways:

- SB 458 is very prescriptive on the fact that local jurisdictions must allow middle housing land divisions and how a city can review those applications is laid out in the law.
- Options in the bill include:
 - (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.
 - (c) May require street frontage improvements that apply to middle housing as found in the recent HB2001 related amendments
 - (d) May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.
 - (e) May require the dedication of right of way if the original parcel did not previously provide a dedication.
 - (f) Notwithstanding ORS 197.312 (5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division



SB 458 [2021] Expedited or Middle Housing Land Divisions-

Key Takeaways:

- SB 458 Prohibits:
 - **approval criteria except as provided in this section,**
 - Gladstone from hold a hearing on the application (unless requested by the applicant);
- Incorporating SB 458 (attached) into existing sections of the GMC would require changes to:
 - 17.32 and 17.34– Subdivisions and Partitions
 - Middle Housing subject to separate requirements including the optional items and the expiration after 3 years.
 - 17.64 - Design Standards for Land Divisions and Property Line Adjustments
 - 17.92 – Appeals
 - Appeal period is 14 days instead of 15 days
 - 17.94 – Hearings
 - City Administrator’s or designee review process



SB 458 [2021] Expedited or Middle Housing Land Divisions-

(7) The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval.

Therefore, Staff requests the PC consider:

- An expiration of all partitions after three years of the tentative approval, and
- A modification of the subdivision regulations that expire after 1 year unless a “final plat consistent with the tentative plan is not submitted to the City Administrator or designee within one year of the date of the final decision. ”



STAFF RECOMMENDATION:

Gladstone Planning Commission provides staff with direction for the options related to Middle Housing Land Divisions and expiration of partition and subdivision approvals. The direction could be to:

Add language related to the optional items in SB 458

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

At the direction of the Planning Commission there will be public notice of the additional amendments and the PAPA notice for the Downtown Amendments will be modified to include amendments related to SB 458.