

HERMISTON CITY COUNCIL

Work Session

March 22, 2021

Council President Primmer called the work session meeting to order at 5:31pm. Present were Councilors Hardin, Peterson, Barron, Davis, Spicerkuhn, Duron, and Myers. Mayor Drotzmann was excused. Staff members in attendance were City Manager Byron Smith, Assistant City Manager Mark Morgan, City Attorney Gary Luisi (arrived at 5:33), Chief Edmiston, Planning Director Clint Spencer, Finance Director Mark Krawczyk, Recreation Supervisor Brandon Artz, Zoning Clerk Heather LaBeau, and City Recorder Lilly Alarcon-Strong. Planning Commissioners present were Tami Rebman, Derek Caplinger, Philip Hamm, Ben Doherty, James Sheffield, Josh Burns, and Ben Sargent.

Duplex Housing Code

Planning Director Clint Spencer introduced the Consultant Team made up of Darci Rudzinski and Clinton "CJ" Doxsee (CJ participating remotely) from Angelo Planning Group, and Anne Debaut and Robert Mansolillo of the Department of Land Conservation and Development (both participating remotely).

Mr. Spencer stated the Planning Commission requested a joint meeting with the City Council to consider recommended code edits for compliance with House Bill (HB) 2001. HB 2001 was approved in 2019 and requires that cities with populations between 10,000 and 25,000 amend their development codes to allow duplex dwellings in all residential zones which allow single family dwellings. Cities with populations larger than 25,000 must amend their development codes to allow duplex, triplex, fourplex, and cottage cluster (tiny house cluster) development in all zones that permit single family development.

With Hermiston's population at over 18,000, Hermiston must comply with the duplex housing code amendments by either creating and adopting standards, with some state restrictions, by June 30th, 2021, or, the City will be required to use the state's model for the code amendments. Hermiston's population is expected to reach 25,000 within the next 15 years, at that time, the City will need to add language to adopt the other housing amendments.

Ms. Darci Rudzinski stated the City is starting at a really good baseline as four out of Hermiston's five zones are already in compliance with the duplex dwelling requirements. The focus right now is to have a consensus on policy direction, address parking as it must change in order to be in compliance with the new HB, creating Clear and Objective Standards, and how the HB will impact neighborhoods so the Planning Commission and the consultant teams can continue to work more cohesively on the current duplex housing amendments.

Mr. Spencer stated although the HB seems pretty straight forward, it enforces other requirements that make compliance more difficult, such as cities cannot require additional conditions that are not required for single family homes. This means currently, the City's development codes that require duplex dwellings to have bigger sized lots than the single dwelling lots can no longer be enforced, and the code must be amended to allow duplexes to be built on the same size of smaller lots that single-family dwellings can be built. Also, currently, Hermiston's zoning standards require duplexes to have two off-street parking per duplex unit, the new HB states cities cannot require more than one parking space per unit which will greatly increase the number of cars being parked on the street.

The Planning Commission has debated making amendments that would increase lot sizes, although the lot sizes were recently decreased to entice more housing development, which has done exactly that, and by doing this, it could have negative impacts that stall further housing developments in Hermiston. Another thing to consider is that 1000 Friends of Oregon has given Hermiston notice (attached) of their support of the HB and their dislike of Hermiston increasing lot sizes. They would most likely appeal any decision of this caliber to LUBA (Oregon Land Use Board of Appeals).

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Council President Primmer allowed Public Comment at the request of a member in the audience.

Public Comment

Troy White, 785 W Opal Court- Stated he has been following HB 2001 and this HB impacts him personally as he plans to develop multifamily housing in the area of W Theater Lane. He asked if the Council or Commissioners had questions regarding his future development plans. Hearing none, Council President Primmer thanked Mr. White for his statement and continued the work session meeting.

Commissioner Doherty stated he has received many complaints and safety concerns from constituents regarding the amount of on-street parking that currently exists, let alone when this HB goes into effect and less off-street parking spaces are required of developers. There are new neighborhoods where the road is not wide enough for two cars to pass each other as cars are parked on both sides of the street. If these items are not addressed, they will continue to get worse as Hermiston continues to grow and eventually reaches 25,000 where triplexes, fourplexes, and cottage clusters will be allowed in all zones. There has been discussion regarding returning to the previous larger lot sizes, prior to 2017, which will have less of an impact on on-street parking as there will be less dwellings closer together, or require density restrictions depending on the square footage of the building. There is common frustration on how this HB is being pushed out to cities with very little amendment options. The Planning Commission wants Hermiston to stay livable and has good intentions but needs clarity from the Council before they spend a lot of time working on amendments that the Council does not envision, especially with such a narrow time frame to have it reviewed and possibly approved prior to June 30, 2021.

Councilor Duron asked Chief Edmiston his take, from the Police Department's (PD) view, regarding this HB.

Chief Edmiston stated he has nothing specific to say towards the HB, however, when there are more people congregated in small areas, which this HB creates, more problems are likely to happen. However, the PD has an aggressive landlord agreement option to advise landlords of PD happenings at their property(s).

There were questions from the Council regarding: neighborhood associations imposing on-street parking restrictions, restrictions on manufactured homes and tiny homes and placement restriction of each, imposing possible parking requirements depending on how many bedrooms a home/unit has.

The Commission, Mr. Spencer and Ms. Rudzinski answered these questions, stating that no entity, like neighborhood associations, nor the City, can enforce other additional parking restrictions, the HB took that authority away, including adding language that mandates certain parking spaces per bedroom. When HB 2001 was established, officials took into account that each family would have one vehicle and one bicycle, a common standard in the Portland area. There are no restrictions on placements of doublewide manufactured homes or tiny homes, however singlewide manufactured home must be placed in mobile home parks.

Councilor Barron thanked the Commissioners for the time they've already spent on possible amendments related to this HB and expressed his frustration with the amount of on-street parking that cause narrow roads where two vehicles cannot pass each other as his vehicle has been hit twice, in the last two years.

Councilor Peterson suggested implementing one-way streets to prevent two-way traffic issues. There were other suggestions to include making streets wider, and elongating driveway lengths to accommodate more vehicles and help solve on-street parking issues.

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Councilor Spencer stated all of these items can be implemented by the Council through development standard.

After more discussion, there was a consensus from the Council that the Commissioners should maintain the status quo, keep current lot sizes to encourage development opportunities and continue increasing housing as it has been a Council Goal for years, while considering one-way streets, wider roads, and longer driveway options, and adopt a plan prior to June 30, 2021; and then, the Commission can pursue other options and work on a better future plan after June.

There was no other discussion and Council President Primmer adjourned the work session at 6:43pm and stated the City Council would take a short break and convene the regular City Council meeting at 7:00pm.

DRAFT

Hermiston Middle Housing Code Update

Joint City Council / Planning Commission Work Session

March 22, 2021, 5:30 – 7:00 PM



Agenda



1. Overview
2. HB 2001 & Project Overview
3. Recommended Code
Amendments and Concepts
4. Next Steps

House Bill 2001 (HB 2001) Background



- Passed during the Oregon 2019 State Legislative Session.
- Expands housing options in Oregon cities by permitting middle housing in most residential areas.
- Hermiston is considered a medium-sized cities (10,000 – 24,499).
- Medium cities are required to allow duplexes on any lot or parcel that allows detached single-family dwellings.
- Must comply with the requirements by **June 30, 2021.**



Project Overview



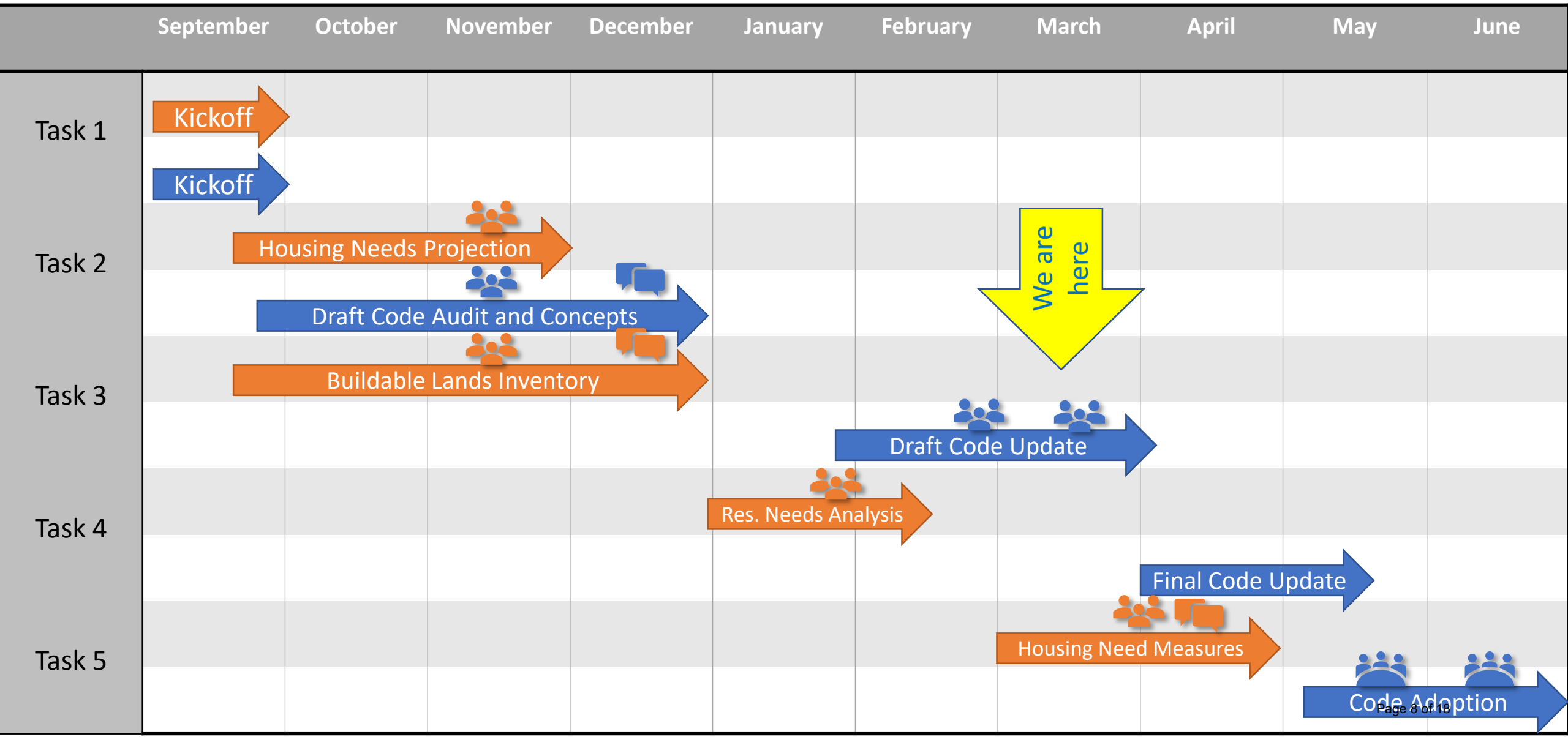
- City of Hermiston received grant funding from the Department of Land Conservation and Development (DLCD) for technical assistance with:
 - Conducting a Housing Capacity Analysis (HCA)
 - Conducting a development code update to bring the city into compliance with HB 2001
- Consulting team includes Angelo Planning Group (APG) and Johnson Economics
- Project must be complete by June 15, 2021



Schedule



- Advisory Committee Meeting
- Open House Meeting
- Public Hearing



Duplex Code Audit: HB 2001 Requirements



- Medium-sized cities (10,000 – 24,499) required to allow duplexes on any lot or parcel that allows detached single-family dwellings.
- Medium cities have two tracks to comply by **June 30, 2021**:
 1. Adopt Housing Options Model Code for Medium Cities
 2. Adopt minimum compliance standards consistent with OAR 660-046
- OAR 660-046 also requires residential standard comply with ORS 197.307 Clear and Objective Standards for “needed housing.”



Duplex in Hermiston

Duplex Code Audit



Code update addresses issues identified in Code Audit

Regulations in review:

- Uses permitted
- Nonconforming lots
- Minimum lot sizes
- Setbacks
- Parking
- Clear and Objective Standards

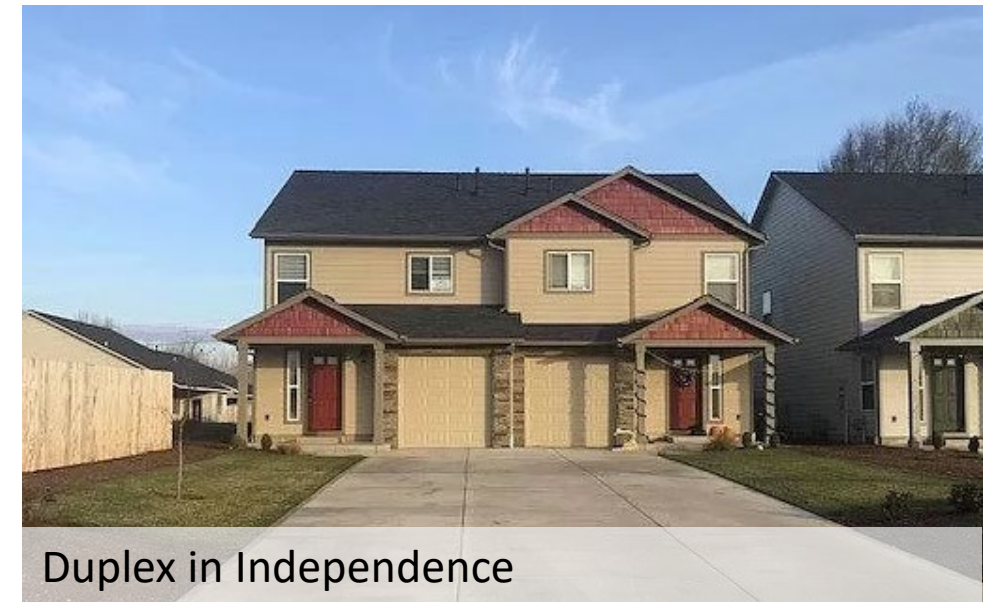


Duplex in Hillsboro

Expand standards to apply to two-family dwellings (duplexes) where they currently only specify single-family dwellings.

Applicable Code Sections

- 157.215 Infill Development Designation
 - Expand applicability criteria to include lots with single-family or two-family dwellings constructed prior to February 28, 1994
- 157.029 Recreational Residential Zone (RR)
 - Front yard and side yard setback standards will apply to detached single-family, two-family dwelling, and multifamily development.
- 157.139 Exceptions To Lot Size Requirements
 - Limit residential uses to a single-family or two-family residence where there is an area deficiency to lot size requirements.



Duplex in Independence

Code Amendments



Add two-family dwelling as an allowed use.

Applicable Code Sections

- 157.025 Single-family Residential Zone (R-1)
 - Two-family dwellings will be permitted outright in the R-1 zone.
 - No other changes proposed to R-1 standards.



Duplex in Aumsville



New Construction in Hermiston

Adjust parking requirements

Applicable Code Sections

- 157.176 Uses and Spaces
 - Require a minimum of two spaces for one- or two-family dwellings by removing the “per dwelling unit” requirement.
 - Development will still be allowed to have more than two off-street parking spaces, but the City cannot require more than two.

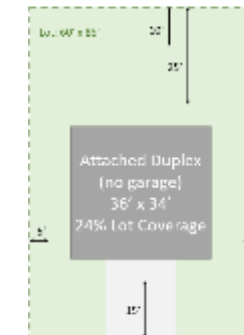
Code Amendments



Consolidate minimum lot size requirements. Lot size requirements for duplexes cannot be larger than lot size requirements for single-family detached in the same zone.

Applicable Code Sections

- 157.026 Duplex Residential Zone (R-2)
 - Proposed: 6,500 square feet
- 157.027 Multiple-family Residential Zone (R-3)
 - Proposed: 5,000 square feet (interior lot) and 6,000 square feet (corner lot)
- 157.028 Multi-structure Residential Zone (R-4)
 - Proposed: 5,000 square feet (interior lot) and 6,000 square feet (corner lot)
- 157.029 Recreational Residential Zone (RR)
 - Proposed: 5,000 square feet (interior lot) and 6,000 square feet (corner lot)



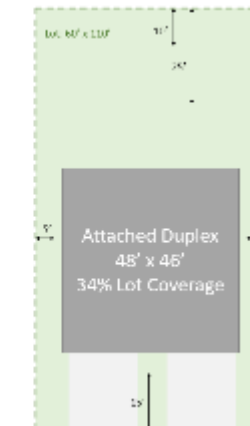
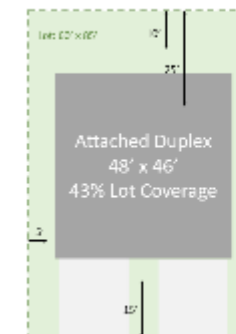
Code Amendments



Consistency Updates

Update language/terminology to be consistent with existing and proposed changes.

- 157.026 Duplex Residential Zone (R-2)
 - Reorganize list of uses that are permitted outright.
- 157.027 Multiple-family Residential Zone (R-3)
 - Clarify which uses are permitted outright.
- 157.028 Multi-structure Residential Zone (R-4)
 - Clarify which uses are permitted outright.
- 157.176 Uses and Spaces
 - Update “one and two family dwellings” terminology for consistency with other code sections.





Duplex in Aumsville

Modify development code sections related to housing that are not clear and objective.

Applicable Code Sections

- 154.19 Lots
 - Define circumstances where exceptions to side lot lines are permitted should be defined, including, but not limited to topography; similar environmental barriers; existing street layouts; and built structures.
- 154.20 Character of Development
 - Remove Subsection A, which includes discretionary requirements that relate to character.

Next Steps: HCA & Code Update Project



- Advisory Committee Meeting – March 31, 2021
 - Measures to Accommodate Needed Housing (HCA Project)
- Virtual Open House (HCA Project) – April 2021
- Planning Commission Work Session (Code Update Project) – April 2021



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May 22, 2021

Hermiston City Council
C/O Heather La Beau (hlabeau@hermiston.or.us)
180 NE 2nd Street
Hermiston, OR 97838

RE: Implementation of HB 2001

Dear Councilors,

1000 Friends of Oregon is a non-profit charitable organization dedicated to working with Oregonians to support livable communities. Our membership includes Hermiston residents who support the mission and values of the Oregon land use program. Among these values are the provision of housing that meets the needs of all members of our communities.

In the 2019 Legislative Session, 1000 Friends worked with a coalition of partners to pass HB 2001, commonly known as the “middle housing” bill. The bill was intended to remove barriers to more, and more affordable, housing through allowing diverse housing types. In cities with populations above 10,000, duplexes must be allowed on each lot zoned for residential use that allows the development of a single-family dwelling.

In implementing HB 2001, Hermiston should match the minimum lot size standard for duplexes to the existing lot size standard for single family homes, rather than increase the single-family home minimum lot size. The intention of the legislation was to increase overall housing, as well as more diverse and affordable housing types, such as duplexes, put them on equal footing with single family homes. Increasing the SF lot size could actually result in a decrease in overall housing capacity in Hermiston, contrary to HB 2001 and Goal 10. Increasing the minimum lot size for single family dwellings would *create* barriers to housing and cause an unreasonable cost and delay.

Hermiston already has larger lot sizes than many of its neighboring towns of similar size. Given the land cost as a primary component of housing cost, allowing smaller lot sizes for all housing types will increase the amount and diversity and accessibility of housing.

We appreciate your consideration of this testimony.

Sincerely,

A handwritten signature in cursive script that reads "Alexis Biddle".

Alexis Biddle
Great Communities Program Director, 1000 Friends of Oregon