

Council Study Session

May 17, 2021

Agenda Item	Discussion of Duplex and Accessory Residential Unit Land Use Code Amendments	
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Item Type	Requested by Council <input type="checkbox"/> Update <input checked="" type="checkbox"/> Request for Direction <input type="checkbox"/> Presentation <input checked="" type="checkbox"/>	

SUMMARY

This is an informational and discussion item to update the City Council on the proposed land use code amendments to meet new state laws and rules regarding duplexes and accessory residential units (ARUs). The [draft code amendments](#), meeting materials and reference materials are available on the project web page at www.ashland.or.us/duplexcode.

POLICIES, PLANS & GOALS SUPPORTED

The *2019-2021 City Council Biennial Goals* identify housing needs as a moderate priority for developing and/or enhancing value services.

The *Ashland Comprehensive Plan* includes a goal in the Housing Element to “ensure a range of different dwelling types that provide living opportunities for the total cross section of Ashland’s population (6.10.01)”. Included with this goal are the following applicable policies: “Policy 1: Provide for a mix of housing types that are attractive and affordable to a diversity of ages, incomes, household sizes, and household types” and “Policy 3: Integrate housing with other compatible land uses through flexible zoning provisions”. The Housing Element includes another goal to “support the creation and preservation of housing that is affordable to low and moderate income households and that is commensurate with the incomes of Ashland’s workforce (6.10.02)” along with the following applicable policy “Policy 14: Provide for minimal off-street parking requirements in locations where it is demonstrated that car ownership rates are low for resident populations in order to help reduce housing costs and increase affordability and where the impact on neighborhoods allow”.

The *Climate and Energy Action Plan (CEAP)* includes an action to “Revise community development plans to favor walkable neighborhoods and infill density. Ashland has a series of long-range planning documents that guide development across Ashland districts, neighborhoods, and natural areas. Revisiting these plans to ensure that they support climate-ready development needs, such as walking, biking, transit, parking management, and climate adaptation features, will ensure that Ashland development is consistent with the City’s climate goals and commitments. It will be important to ensure that these activities do not come at the expense of higher housing costs, which could disadvantage low-income populations (CEAP ULT-4-2)”.

BACKGROUND AND ADDITIONAL INFORMATION

The proposal includes a series of amendments to the Ashland Municipal Code (AMC) Title 18 Land Use to update the allowances and standards for duplexes and ARUs as required by House Bill (HB) 2001 from the 80th Oregon Legislative Assembly, 2019 Regular Legislative Session.

1. Legislative History

In the 2019 legislative session, the Oregon State Legislature passed [HB 2001](#) which requires “medium” cities such as Ashland to amend local zoning codes to allow duplexes on residentially zoned lots that allow the development of detached single-family homes. A medium city is defined as with a population between 10,000 and 25,000 and outside the Portland Metro boundary. The 2020 population estimate for Ashland from Portland State University is 21,105.

HB 2001 also includes a provision that prohibits jurisdictions from requiring off-street parking and owner-occupancy requirements for ARUs.

HB 2001 requires medium cities to develop and adopt standards in compliance with the state requirements by June 30, 2021. HB 2001 became effective on August 8, 2019. A year later, the Land Conservation and Development Commission (LCDC) adopted Chapter 660 Division 46 Middle Housing in Medium and Large Cities. The administrative rules became effective on August 7, 2020 and outline requirements for medium cities for the land use review process and development standards for duplexes.

HB 2001 says that cities may regulate the siting and design of duplexes as long as the regulations do not, individually or cumulatively, deter the development of duplexes through unreasonable cost and delay. The administrative rules clarify that siting and design standards that create unreasonable cost and delay include any standards applied to duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.

In Ashland, detached single-family homes are a permitted use and in most cases simply require a building permit. The exceptions are planning approvals required for exceeding the maximum permitted house size (MPFA) in the historic districts, exceptions for the solar setback, variances to dimensional, parking and access requirements, tree removal permits, and permits for construction in natural hazard and resource areas such as hillside lands (25 percent slope and greater), floodplains, riparian areas and wetlands.

2. Summary of Code Amendments

The primary changes to the land use code for duplexes are that duplexes are permitted in all of the residential zones including the single-family zones, are required to have two on-site parking spaces, and the approval process requires a building permit prior to construction or conversion of an existing structure.

The current code allows duplexes on corner lots within the single-family zones as part of a subdivision developed under the Performance Standards Option, and within the multifamily zones as a multifamily development through the Site Design Review process. Planning approvals are required for both a subdivision and multifamily development. In addition, the current code calculates the required parking for a duplex based on the requirements for a multifamily dwelling, which are based on the number of bedrooms in a unit. Generally, any duplex with units larger than one bedroom units would require four or more on-site parking spaces under the current code requirements.

The primary changes to the land use code for ARUs are that ARUs do not require on-site parking spaces and the approval process requires a building permit prior to construction or conversion of an existing structure.

The current code requires a planning approval, Site Design Review, for attached ARUs that are over 500 square feet in size, detached ARUs, and ARUs located in the historic district that include exterior building modifications. ARUs that are attached to a single-family dwelling and less than 500 square

feet in size simply require a building permit. Currently, ARUs under 800 square feet in size require one on-site parking space and ARUs 800 square feet and larger require two on-site parking spaces.

If the code amendments are adopted as proposed, there will be two options for the development of two dwelling units located on one lot. One option is an ARU along with a single-family dwelling. The ARU is required to meet the existing size limits and does not have to provide on-site parking for the ARU. The approval process for constructing an ARU is a building permit.

The second option is a duplex with two dwellings, either in attached or detached structures, located on one lot. Duplexes do not have size limits and are required to provide two on-site automobile parking spaces. The approval process for constructing a duplex is a building permit.

In either option, whether a lot includes a single-family dwelling, a single-family dwelling and an ARU, or a duplex, the development must meet the dimensional requirements of the zone such as lot coverage, setbacks and building height.

3. Public Meetings

The Planning Commission discussed the proposed code amendments at four electronic public meetings including October 13, 2020, December 22, 2021, February 23, 2021 and April 27, 2021. The Planning Commission initiated the legislative amendment to amend the duplex and ARU standards at the April 27, 2021 meeting. At the time of writing this report, the Planning Commission was scheduled to hold a public hearing on the proposed code amendments and make a recommendation to the City Council on May 11, 2021.

In addition to the Planning Commission meetings, an electronic development roundtable meeting was held on April 21, 2021 to provide information and obtain comments on the proposed code amendments. Thirty-five development professionals including planners, design professionals, contractors and developers were invited. Staff previously sent meeting and code updates to the same group for the above mentioned Planning Commission meetings.

Finally, staff presented the code amendments to the Housing and Human Services Commission on April 22, 2021 and the Historic Commission on May 5, 2021. The Housing and Human Services Commission voted to support the recommendations for duplex and ARU code changes and options presented by the Planning Division. The Historic Commission did not comment on the proposed amendments.

FISCAL IMPACTS

The review of development proposals and building permits for projects consisting of two residential units is currently part of the work flow for Community Development Department staff. The amendments to the duplex and ARU approval process and development standards are not expected to impact existing workload, but rather anticipated to increase the efficiency of the City's residential land use review and approval process.

DISCUSSION QUESTIONS

Does the City Council have questions regarding the proposed land use code amendments to meet new state laws and rules regarding duplexes and ARUs?

SUGGESTED NEXT STEPS

HB 2001 requires medium cities such as Ashland to develop and adopt standards in compliance with the state requirements by June 30, 2021. The Planning Commission is holding a public hearing on May 11, 2021. In order to meet the deadline in state law, the duplex and ARU code amendments are

scheduled for a public hearing and first reading at the City Council on June 1, 2021, and second reading on June 15, 2021.

REFERENCES & ATTACHMENTS

[House Bill 2001: More Housing Choices for Oregonians](#)

Meeting Materials to Date www.ashland.or.us/duplexcode