

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING SECTION 154.19, 154.20, AND 154.65 OF CHAPTER 154 OF THE HERMISTON CODE OF ORDINANCES AND AMENDING SECTIONS 157.015, 157.025, 157.026, 157.027, 157.028, 157.029, 157.042, 157.139, 157.163, 157.176, 157.179, AND 157.215 OF CHAPTER 157 OF THE HERMISTON CODE OF ORDINANCES RELATING TO PROVISION OF TWO-FAMILY DWELLINGS.

Whereas, House Bill 2001 aims to provide Oregonians with more housing choices, especially housing choices more people can afford. The law, passed by the 2019 Oregon Legislature, expands the ability of property owners to build certain traditional housing types, like duplexes, in residential zones. These housing types already exist in most cities but were outlawed for decades in many neighborhoods. These limitations contribute to increased housing costs and fewer choices. House Bill 2001 will require updates to local laws that currently limit the types of housing people can build.

Whereas, HB 2001 requires cities with populations between 10,000 and 24,999 to amend local land use regulations to permit two-family dwellings in all residential zones which permit single-family dwellings.

Whereas, the City of Hermiston is conducting a review of the City's Development Code to comply with the provisions of HB 2001.

Whereas, Ordinance No. 858, adopted by the City of Hermiston April 14, 1975, established standards for subdivision of land.

Whereas, Ordinance No. 1840, adopted by the City of Hermiston February 28, 1994, established standards for zoning.

Whereas, Ordinance Nos. 858 and 1840 are codified in the Hermiston Code of Ordinances as Title XV, Chapters 154 and 157 respectively.

Whereas, the City Council of the City of Hermiston finds that it is necessary to amend the City Development Code to comply with HB 2001 and to provide clear and objective standards for needed housing, now, therefore,

The City of Hermiston ordains as follows:

(New language is in **red** and *italics* and deleted language has a ~~line through it~~.)

Section 1. Subsections (A) and (B) of Section **154.19 LOTS** of Chapter 154 of the Hermiston Code of Ordinances are amended to read:

- (A) The lot arrangement and design shall be such that all lots will ~~provide satisfactory and desirable building sites,~~ ***be*** properly related to topography and ~~the character of surrounding~~ ***existing*** development ***patterns***.

- (B) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, ~~except where a variation to this rule will provide a better street and lot layout~~ *unless prevented by environmental or topographical constraints, existing development patterns, or to comply with other standards in this code.* Lots with double frontage shall be avoided.

Section 2. Section **154.20 CHARACTER OF DEVELOPMENT** of Chapter 154 of the Hermiston Code of Ordinances is amended as follows:

~~(A) The Planning Commission shall confer with the subdivider regarding the type and character of development that will be permitted in the subdivision and may agree with the subdivider as to certain minimum restrictions to be placed upon the property to prevent the construction of substandard buildings, control the type of structures or the use of the lots which, unless so controlled, would clearly depreciate the character and value of the proposed subdivision and of adjoining property. Deed restrictions or covenants should be included to provide for the proper protection and maintenance of the development in the future; provided, however, that the deed restrictions or covenants shall not contain (reversionary) clauses wherein any lot shall return to the subdivider because of violation thereof of the terms of the restrictions or covenants.~~

~~(B)~~*(A)* Where the subdivision contains sewers, sewage treatment plants, water supply systems, park areas, streets, trees or other physical facilities necessary or desirable for the welfare of the area and which are of common use or benefit and are not or cannot be satisfactorily maintained by an existing public agency, provision shall be made by trust agreements made a part of the deed restrictions, acceptable to any agency having jurisdiction over the location and improvement of such facilities, for the proper and continuous maintenance and supervision of the facilities.

Section 3. Subsection (A) of Section **154.65 SIDEWALKS** of Chapter 154 of the Hermiston Code of Ordinances is amended to read:

(A) All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single-family *and two-family* homes ~~and duplexes~~ if there is an existing sidewalk within 500 feet on the same side of the street.

Section 4. Section **157.015 ESTABLISHMENT OF ZONES** of Chapter 157 of the Hermiston Code of Ordinances is amended as follows:

| Zone | Residential Designations |
|---|--------------------------|
| Single Family <i>Low Density</i> Residential | R-1 |
| Duplex <i>Medium Density</i> Residential | R-2 |
| Multiple Family <i>Medium-High Density</i> Residential | R-3 |

| | |
|-----------------------------|-----|
| Multi-Structure Residential | R-4 |
| Central Commercial | C-1 |
| Outlying Commercial | C-2 |
| Light Industrial | M-1 |
| Heavy Industrial | M-2 |
| Airport | A |
| Open Space | OS |

Section 5. Subsection (A) of Section **157.025 SINGLE FAMILY RESIDENTIAL ZONE (R-1)** of Chapter 157 of the Hermiston Code of Ordinances is amended to read:

157.025 ~~SINGLE-FAMILY~~ *LOW DENSITY* RESIDENTIAL ZONE (R-1).

- (A) Uses permitted outright. In a R-1 zone, only the following uses and their accessory uses are permitted outright:
- (1) Single-family dwelling;
 - ~~(2)~~ *(2) Two-family dwelling;*
 - ~~(2)(3)~~ Residential care home;
 - ~~(3)~~ *(4) Home occupations;*
 - ~~(4)~~ *(5) Accessory structures;*
 - ~~(5)~~ *(6) Family day care provider;*
 - ~~(6)~~ *(7) Manufactured dwelling placed on an individual lot outside of a manufactured dwelling park and subject to requirements of § 157.145. This requirement shall not be construed as abrogating a recorded restrictive covenant; and*
 - ~~(7)~~ *(8) Utility facilities as defined in § 157.143.*

Section 6. Subsections (A) and (C) of Section **157.026 DUPLEX RESIDENTIAL ZONE (R-2)** of Chapter 157 of the Hermiston Code of Ordinances are amended to read:

157.026 ~~DUPLEX~~ *MEDIUM DENSITY* RESIDENTIAL ZONE (R-2).

- (A) Uses permitted outright. In a R-2 zone, *a use permitted outright in the R-1 zone* ~~only the following uses and their accessory uses are permitted outright.;~~
- ~~(1) A use permitted in the R-1 zone; and~~
 - ~~(2) Two family dwelling.~~
- (C) Lot size. In a R-2 zone, the minimum lot size shall be as follows:
- (1) The minimum lot area for single-family *and two-family* dwellings shall be 6,500 square feet;

- ~~(2)~~ The minimum lot area for two-family dwellings shall be 8,000 square feet;
- ~~(3)~~⁽²⁾ The minimum lot area for multiple-family dwellings shall be 9,000 square feet plus 1,500 square feet for each dwelling unit over two;
- ~~(4)~~⁽³⁾ The minimum lot depth shall be 80 feet; and
- ~~(5)~~⁽⁴⁾ The minimum lot width shall be 60 feet and 25 feet for cul-de-sac lots.

Section 7. Subsections (A) and (C) of Section **157.027 MULTIPLE FAMILY RESIDENTIAL ZONE (R-3)** of Chapter 157 of the Hermiston Code of Ordinances are amended to read:

157.027 ~~MULTIPLE FAMILY~~ *MEDIUM-HIGH DENSITY* RESIDENTIAL ZONE (R-3).

- (A) Uses permitted outright. In a R-3 zone, only the following uses and their accessory uses are permitted outright:
 - (1) A use permitted *outright* in the R-2 zone;
 - (2) Bed and breakfast, boarding, lodging or rooming house;
 - (3) Multiple-family dwelling; and
 - (4) Residential care facility.

- (C) Lot size. In a R-3 zone, the lot size shall be as follows:
 - (1) The minimum lot area for single-family dwellings *and two-family dwellings* shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;
 - ~~(2)~~ The minimum lot area for two-family dwellings shall be 6,500 square feet for an interior lot and 7,200 square feet for a corner lot;
 - ~~(3)~~⁽²⁾ For multiple-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;
 - ~~(4)~~⁽³⁾ The minimum lot width at the front building line shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet for cul-de-sac lots; and
 - ~~(5)~~⁽⁴⁾ The minimum lot depth shall be 80 feet.

Section 8. Subsections (A) and (C) of Section **157.028 MULTI-STRUCTURE RESIDENTIAL ZONE (R-4)** of Chapter 157 of the Hermiston Code of Ordinances are amended to read:

157.028 MULTI-STRUCTURE RESIDENTIAL ZONE (R-4).

- (A) Uses permitted outright. In a R-4 zone, the following uses and their accessory uses are permitted outright:
 - (1) A use permitted *outright* in the R-3 zone; and
 - (2) Manufactured dwelling park subject to requirements of § 157.146.

- (C) Lot size. In a R-4 zone, the lot size shall be as follows:
- (1) The minimum lot area for single-family dwellings *and two-family dwellings* shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;
 - ~~(2)~~ The minimum lot area for two family dwellings shall be 6,500 square feet for an interior lot and 7,200 square feet for a corner lot;
 - ~~(3)~~(2) For multiple-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;
 - ~~(4)~~(3) The minimum lot area for manufactured dwelling parks shall be as five acres;
 - ~~(5)~~(4) The minimum lot width at the front building line shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet for cul-de-sac lots; and
 - ~~(6)~~(5) The minimum lot depth shall be 80 feet.

Section 9. Subsections (B) and (C) of Section **157.029 RECREATIONAL RESIDENTIAL ZONE (RR)** of Chapter 157 of the Hermiston Code of Ordinances are amended to read:

157.029 RECREATIONAL RESIDENTIAL ZONE (RR).

- (B) Lot size. In an RR zone, the lot size shall be as follows:
- (1) The minimum lot area for single family detached *and two-family* dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;
 - ~~(2)~~ The minimum lot area for two family dwellings shall be 6,500 square feet for an interior lot and 7,200 square feet for a corner lot;
 - ~~(3)~~(2) For multiple family dwellings designed as other than two family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;
 - ~~(4)~~(3) For attached single family dwellings, the minimum lot area shall be 1,800 square feet per dwelling unit;
 - ~~(5)~~(4) For single family detached and for multifamily dwellings, the minimum lot width at the front building line shall be 50 feet for an interior lot, 60 feet for a corner lot, and 25 feet for cul de sac lots;
 - ~~(6)~~(5) For attached single-family dwellings, the minimum lot width at the front building line shall be 20 feet; and
 - ~~(7)~~(6) The minimum lot depth shall be 60 feet.
- (C) Setback requirements. Except as provided in § 157.140, in an RR zone the yards shall be as follows:

- (1) For detached single-family, *two-family dwelling*, and multifamily development the front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback;
- (2) For attached single-family residential development, the front building setback shall be a minimum of 15 feet from the foundation;
- (3) For detached single-family, *two-family dwelling*, and multifamily development, each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation;
- (4) For attached single-family, the side yard of the end units shall be a minimum of five feet; and
- (5) The back yard shall be a minimum of ten feet, measured from the foundation.

Section 10. Subsection (L) of Section **157.042 DOWNTOWN COMMERCIAL OVERLAY ZONE (DCO)** of Chapter 157 of the Hermiston Code of Ordinances is amended to read:

157.042 DOWNTOWN COMMERCIAL OVERLAY ZONE (DCO)

- (L) Implementing action. The following development shall fall within the scope of this subchapter and shall be required to comply with the requirements identified:
 - (1) New residential or commercial development;
 - (2) Expansion of single-family or ~~duplex~~ *two-family* residential development costing in excess of 30% of the assessed value of the improvements on the property. The provisions of subsection (H)(3) of this section shall not apply;
 - (3) Reconstruction of a single-family or ~~duplex~~ *two-family* residential casualty loss costing in excess of 130% of the previously assessed value of the structure itself. The provisions of subsection (H)(3) of this section shall not apply;
 - (4) Expansion of multiple-family or commercial development costing in excess of 50% of the assessed value of the improvements on the property;
 - (5) Reconstruction of multiple-family; commercial casualty loss in excess of 110% of the previously assessed value of the structure itself; and
 - (6) Conversion of an existing building from residential to commercial use.

Section 11. Section **157.139 EXCEPTIONS TO LOT SIZE REQUIREMENTS** of Chapter 157 of the Hermiston Code of Ordinances is amended as follows:

157.139 EXCEPTIONS TO LOT SIZE REQUIREMENTS.

If, at the time of passage of this chapter, a lot or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family *or two-family* residence.

Section 12. Section **157.163 IMPLEMENTING ACTION** of Chapter 157 of the Hermiston Code of Ordinances is amended as follows:

157.163 IMPLEMENTING ACTION.

The following development shall fall within the scope of this subchapter and shall be required to comply with the requirements identified herein:

- (A) New residential, commercial, industrial or utility facility development;
- (B) Expansion of single-family or ~~duplex~~ *two-family* residential development costing in excess of 30% of the assessed value of the improvements on the property;
- (C) Reconstruction of a single-family or ~~duplex~~ *two-family* residential casualty loss costing in excess of 130% of the previously assessed value of the structure itself;
- (D) Expansion of multiple-family, commercial or industrial development costing in excess of 10% of the assessed value of the improvements on the property;
- (E) Reconstruction of multiple-family, commercial or industrial casualty loss in excess of 110% of the previously assessed value of the structure itself; and
- (F) Change of occupancies.

Section 13. Section **157.176 USES AND SPACES** of Chapter 157 of the Hermiston Code of Ordinances is amended as follows:

157.176 USES AND SPACES.

| Uses | Standard Number of Spaces |
|--|--|
| Residential | |
| One Single-family and two-family dwellings | Two spaces per dwelling unit , one of which may be located within any required yard |
| Multi-family dwellings | Two spaces per dwelling unit with three or more bedrooms and 1.5 spaces per unit with less than three bedrooms |

| Uses | Standard Number of Spaces |
|---|---|
| Bed and breakfast, boarding, lodging or rooming house | Spaces equal to 80% of the number of guest accommodations plus one additional space for the owner or manager |
| Commercial Residential | |
| Hotel | 1.25 spaces per guest room |
| Motel | One space per guest room or suite plus one additional space for the owner or manager |
| Club, lodge | Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc. |
| Institutional | |
| Welfare or correctional institution | One space per five beds for patients or inmates |
| Nursing home | One space per two beds for patients or residents |
| Hospital | Spaces equal to 1.5 times the number of beds |
| Place of Public Assembly | |
| Church | One space per four seats or eight feet of bench length in the main auditorium |
| Library, reading room | One space per 400 square feet of floor area plus one space per two employees |
| Day care, preschool | 1.5 spaces per teacher |
| Kindergarten | Two spaces per teacher |
| Elementary or junior high school | 1.5 spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater |

| Uses | Standard Number of Spaces |
|---|--|
| High school | 1.5 spaces per classroom plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater |
| College, commercial school for adults | One space per five seats in classrooms |
| Other auditorium, meeting room | One space per four seats or eight feet of bench length |
| Physically handicapped | All public assembly parking lots shall provide one space for each 50 parking spaces or fractions thereof and shall be accessible and approximate to the entrance of the facility |
| Commercial Amusement | |
| Stadium, arena, theater | One space per four seats or eight feet of bench space |
| Bowling alley | Five spaces per alley plus one space per two employees |
| Dance hall | One space per 100 square feet of skating rink or floor area plus |
| Commercial | |
| Retail store | One space per 200 square feet of floor area |
| Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture | One space per 600 square feet of floor area |
| Bank, office (except medical and dental) | One space per 333 square feet of floor area |

| Uses | Standard Number of Spaces |
|--|---|
| Medical and dental | One space per 300 square feet of floor area |
| Eating or drinking establishment | One space per 100 square feet of floor area |
| Mortuaries | One space per four seats or eight feet of bench length in chapels |
| Industrial | |
| Storage warehouse, manufacturing establishment, rail or trucking freight terminal or wholesale establishment | One space per 1,000 square feet |

Section 14. Subsections (B) and (F) of Section **157.179 DESIGN REQUIREMENTS** of Chapter 157 of the Hermiston Code of Ordinances are amended to read:

- (B) Minimal resident disturbance. Except for parking to serve single or ~~duplex~~ *two-family* residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five or more than six feet in height except where vision clearance is required.
- (F) Driveways required. All parking spaces, except single-family and ~~duplex~~ *two-family* residential, shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.

Section 15. Subsection (B) of Section **157.215 INFILL DEVELOPMENT DESIGNATION** of Chapter 157 of the Hermiston Code of Ordinances is amended to read:

157.215 INFILL DEVELOPMENT DESIGNATION.

- (B) Criteria. When the Planning Commission determines that a property is eligible for designation as an infill property, the city may grant deviations from the city's development standards, including but not limited to: zoning standards, public works standards, access and circulation standards, and other requirements of the city zoning and public works requirements. In order to be considered for designation as an infill property, a property

owner or their authorized agent must demonstrate compliance with four of the following eligibility standards:

- (1) A lot with a single-family *or two-family* dwelling constructed prior to February 28, 1994;
- (2) A lot in existence prior to the adoption of the zoning standards adopted in Ordinance 1840 on February 28, 1994;
- (3) A lot within the city limits, except as provided in subsection (C)(2) of this section;
- (4) A lot located within the R-1, R-2, R-3, R-4, or RR zone; and
- (5) The property will be used for residential development.

Section 16. The findings of fact as adopted by the City Council on June 14, 2021 are incorporated herein by this reference.

Section 17. The effective date of this ordinance shall be thirty days after enactment.

ADOPTED by the Common Council this 14th day of June 2021.

SIGNED by the Mayor this 14th day of June 2021.

David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER