

House Bill 2001 Model Code for Medium Cities

Oregon House Bill 2001 (2019) requires that “Medium Cities” defined as cities with a population of more than 10,000 and less than 25,000 that are not within Metro’s jurisdiction, allow a duplex on each lot or parcel zoned for residential use that allows for development of a detached single-family dwelling. In Canby this applies to the Low Density Residential (R1) Zone. The Medium Density Residential R1.5 and High Density Residential R2 zones already permit duplexes and therefore the standards in the R1.5 and R2 zones will remain unchanged. Oregon State developed a “Model Ordinance” to implement this bill and this became effective on July 1, 2021, for those cities and counties that did not adopt alternative ordinances. The purpose of the Model Ordinance is to provide more housing options that are less expensive to address the housing needs in the state.

The model ordinance is the minimum standard and cities and counties can be more permissive in allowing more development (smaller setbacks, fewer requirements and more density) if they develop their own ordinance. The model ordinance standards cannot be lessened.

The Canby Planning Department presented the Model Ordinance in work session to the City Council on March 17, 2021 and the City Council agreed with using the Model Ordinance standards as they were the minimum required. In order to make the model ordinance most understandable, staff would like to codify the standards in our Municipal Code, with its own City of Canby Code Chapter.

This staff report summarizes the major elements of the model ordinance.

Option to Develop: The model ordinance provides the option to develop a duplex or a single-family home on an R1 zoned lot but does not require duplex development.

Lot Size: Lot size in the R1 zone is between 7,000 and 10,000 square feet and a duplex would be permitted with these lot sizes. Legal lots less than 7,000 square feet that can meet the development standards can also be developed with either a duplex or a single family home.

Density: Only one duplex per lot is permitted, no more than two dwellings on an R1 zoned lot is permitted. Alternatively, a single-family home with an accessory dwelling unit would be permitted.

Design Standards: Duplex would need to meet the same design standards as single-family dwelling and duplexes can be attached or detached but need to meet model ordinance setbacks.

Setbacks: Setbacks for a duplex would need to meet most of the same standards as in the R1 zone except rear yard setbacks would be 15 for a two story duplex instead of 20 feet. Front yards setbacks of 20 feet and side yards setbacks of 7 feet would still apply.

Building Height: 35 feet is maximum building height currently in the R1 zone and this will remain as the maximum building height.

Impervious Surface: Maximum 60 percent impervious surface applies to both duplex development as well as single-family dwelling development.

Parking: Duplexes development would require no parking; however, voluntary parking is permitted. A single family home would need to provide a driveway with two parking spaces.

Utilities: Clear and objective utility standards applying to single-family homes would also apply to duplex development.

Frontage Improvements: Clear and objective frontage improvement standards applying to single-family homes would also apply to duplex development.

Permit Process: The permit process for both single-family and duplex development will be via the city site plan review process which is a Type 1 administrative permitting process.

Oregon Senate Bill (SB) 458 will become effective June 30, 2022 and will permit land division of duplexes into separate lots. Minimum lot area will not be regulated, access easements will be required, the land division process is required to be administrative and subject to expedited review. The city will be developing a code to address the requirements of SB 458.