

**WALDPOR T PLANNING COMMISSION
MARCH 25, 2019
MEETING NOTICE AND AGENDA**

THE WALDPOR T PLANNING COMMISSION WILL MEET ON MONDAY, MARCH 25, 2019 AT 2:00 P.M. IN THE CITY COUNCIL MEETING ROOM, 125 ALSEA HIGHWAY, TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. MINUTES: (February 25, 2019)
3. CITIZEN COMMENTS AND CONCERNS
4. CORRESPONDENCE - None
5. PUBLIC HEARING - None
6. DISCUSSION/ACTION ITEMS:
 - A. Planning Report
 - B. Waldport Development Code Amendments
 - C. Other Issues*
7. COMMISSION COMMENTS AND CONCERNS
8. ADJOURNMENT

*Denotes no material in packet

The Council Chambers are accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall at (541)264-7417 during normal business hours.

Notice given this 19th day of March 2019

City of Waldport

**WALDPORT PLANNING COMMISSION
FEBRUARY 25, 2019
MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Chair Barham called the meeting to order at 2:00 p.m. City Recorder Eckerman administered the oath of office to Heide Lambert, who then took her seat at the table. Chair Barham and Commissioners Woodruff, Stole, Phillips, Kelleher and Lambert answered the roll. Commissioner Schlosser was absent. A quorum was present.

2. MINUTES: The Commission considered the minutes from the January 28, 2019 meeting. Commissioner Woodruff **moved** to approve the minutes as presented. Commissioner Phillips **seconded**, and the motion **carried** unanimously.

3. CITIZEN COMMENTS AND CONCERNS: None.

4. CORRESPONDENCE: City Planner Lewis noted that he had forwarded the "Training Manual for Planning Commissioners and other Hearings Body Members" via email for the Commission's review.

5. PUBLIC HEARINGS

A. Amendment to Case File #1-CU-PC-18, Carl Andry Conditional Use Permit: Chair Barham opened the public hearing at 2:04 p.m., calling for abstentions, bias, conflicts of interest, or *ex parte* contact. Commissioners Woodruff and Barham noted that they had driven by the property in question. There were no objections to any Commissioners participation.

Staff Report: City Planner Lewis reviewed the staff report, noting that this was an amendment of the Conditional Use Permit approved in May of 2018. The applicant had submitted an amended site plan which showed some changes to the location and size of the proposed buildings, and requesting an 8' fence (7' fence with 1' barbed wire) for security purposes. Commissioner Woodruff asked if a 6' fence would be sufficient, and the applicant explained that the additional height would provide more security at a minimal cost. Commissioner Phillips noted that there were several other places in that area that appeared to have fences higher than 6', including the storage units at the end of Dahl Avenue and the PUD substation on Range Drive. Commissioner Barham asked about sight-obscuring provisions and the applicant clarified that this would be done only if operations were visible from the street, but the fence would be installed with the ability to be obscured if necessary. There was no other testimony.

Chair Barham closed the public hearing and opened deliberations. Commissioner Woodruff moved to allow the 7' fence with 1' barbed wire, and to require a minimum of 10 parking spaces. Discussion ensued regarding the latter. City Planner Lewis indicated that 6 spaces would be required, but the plans show the ability to park additional vehicles if the applicant wishes to. Commissioner Barham restated the motion to allow the 7' fence with 1' barbed wire, and a minimum of 6 parking spaces. Commissioner Stole seconded, and the motion carried unanimously. Consensus of the Commission was to have the Chair sign the findings once they have been drafted.

B. Deliberations on Proposed Amendments to Waldport Development Code - Conex and Other Metal Containers: City Planner Lewis explained the expansion to the zones in which they would be permitted, and clarified that any existing conexes would be allowed to remain as "grandfathered" non-conforming uses. Commissioners Lambert and Stole asked about residential uses, and Commissioner Barham explained that this section dealt with accessory uses. City Planner Lewis agreed, noting that if someone wished to utilize conexes for residential use, it could be allowed as long as they met current building standards. Discussion then ensued regarding the expansion of allowed zones, and whether it should be an outright use or conditional use. Concerns were expressed regarding use in the commercial areas in downtown Waldport. As for outright vs conditional use, it was noted that if it were a conditional use, items such as appearance or screening could be more closely monitored. Following this discussion, Commissioner Stole moved to allow the conexes as a conditional use in the C-1 and C-2 zones located south of the seawall and east of Lint Slough. Commissioner Phillips seconded, and the motion carried unanimously. Consensus of the Commission was to have the Chair review the amendments and then include them in the other recommendations that were being forwarded to the City Council.

The Commission discussed the remaining amendments that were being proposed. Consensus was that to review and prioritize them at the next meeting, with accessory dwellings being high on the list. Additional items included possibly defining residential uses for conexes, the issue of multiple partitions, and possible residential uses in the Downtown District area that did not front either Highway 101 or Highway 34.

6. DISCUSSION/ACTION ITEMS

A. Planning Report: Mr. Lewis reviewed his written report, and noted that the recent Planning Commission decision on Vista View had been appealed to the City Council. The Council would be hearing that appeal at their March 14 meeting.

B. Other Issues: None.

7. COMMISSION COMMENTS AND CONCERNS: None.

8. ADJOURNMENT: At 3:28 p.m., there being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Reda Q Eckerman, City Recorder

APPROVED by the Planning Commission this _____ day of _____, 2019.

SIGNED by the Chair this _____ day of _____, 2019.

Steve Barham, Chair

March 18, 2019

To: Waldport Planning Commission

From: Larry Lewis, City Planner

Re: Status of Waldport Development Code Amendments

	Code Amendment	Status
A	Mobile Vending Regulations	City Council to continue deliberations 4/11/19*
B	Livestock Regulations	City Council to continue deliberations 4/11/19*
C	Appeal Timing and Proceedings	City Council approved 3/14/19
D	Planned Development and Subdivision Time Limits	City Council approved 3/14/19*
E	Conex or Other Metal Container Regulations	City Council to continue deliberations 4/11/19*
F	Accessory Dwelling Units (ADUs)	PC to continue review at 3/25/19 meeting
G	Tsunami Resilience Land Use Measures	PC proceed w/ review
H	Notification of Land Use Applications	PC proceed w/ review
I	Planned Development Zone P-D – Review and Update	PC proceed w/ review
J	Planned Industrial Zone – Review Standards	PC proceed w/ review
K	Downtown District Zone (D-D)	PC continue review
L	Vacation Rental Dwellings	PC proceed w/ review
M	Continuous Partitioning	PC proceed w/ review

Orange shade identifies amendments the Planning Commission has completed.

* March 14, 2019 City Council Revisions:

Mobile Vending: City Council directed staff to draft language allowing traveling/moving mobile vending stands throughout city, e.g. ice cream trucks, Schwan meat trucks.

Livestock: City Council directed staff to rework the definition of livestock and allow miniature goats and sheep.

Planned Development and Subdivision Time Limits: Approved with one change to allow one 3 year extension versus three 1 year extensions.

Conex or Other Metal Container Regulations: City Council directed staff to 1) allow metal containers outright in the C-2 zone east of Lint Slough; 2) allow metal containers in residential zones if reasonably screened; 3) allow metal moving pods for a limited time, i.e. 30 days in all zones.

March 19, 2019

To: Waldport Planning Commission

From: Larry Lewis, City Planner

Re: Accessory Dwelling Units

At the February Planning Commission meeting, the Commission decided to continue review and consideration of Accessory Dwelling Unit (ADU) regulations. To assist in this discussion the following material is attached:

- July 2018 Draft Accessory Dwelling Unit Ordinance – this was originally drafted from the Oregon Department of Land Conservation & Development’s (DLCD) Model Ordinance,
- September 17, 2018 Memorandum – identifies three issues the Planning Commission previously discussed regarding ADUs,
- Accessory Dwelling Units – Newport, Oregon and
Accessory Dwelling Units – Lincoln City, Oregon.
- Emails from the City of Newport addressing the maximum size and height of ADUs.

DRAFT ACCESSORY DWELLING UNIT ORDINANCE

This italicized paragraph is a paraphrased excerpt from the Oregon Department of Land conservation and Development (DLCD) model code for Accessory Dwellings. Oregon Revised Statutes (ORS) 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings (for cities with a population of 2,500 or greater). Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development. The model development code language provides recommended language for accessory dwellings. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Draft Waldport Development Code Amendment to Allow ACCESSORY DWELLINGS

Chapter 16.04 Introductory Provisions and Definitions

16.04.030 Definitions.

(The following definition matches the definition for Accessory Dwelling found in ORS 197.312)

“Accessory Dwelling” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Zoning Districts

(Zoning Districts that allow single family dwellings include R-1, R-2, R-3, R-4, C-1 and C-2. Therefore, ‘accessory dwelling unit’ would be added as a ‘conditional use permitted’ in each of these zones. An alternative is to add the accessory dwelling unit as a ‘use permitted outright’ in each of these zones.)

Chapter 16.84 Conditional Uses**16.64.070 Standards and procedures governing conditional uses.****O. Accessory Dwelling Units.**

Accessory dwellings are subject to the standards identified below.

A. One Unit. A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed 900 square feet of floor area, ~~or 75 percent of the primary dwelling's floor area, whichever is smaller.~~
2. An attached or interior Accessory Dwelling shall not exceed 900 square feet of floor area, ~~or 75 percent of the primary dwelling's floor area, whichever is smaller.~~ However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 900 square feet.

C. Other Development Standards.

Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and
2. One off-street parking space is required for an Accessory Dwelling.
3. Either the Primary Dwelling or the Accessory Dwelling shall be occupied by the owner.
4. Neither the Primary Dwelling nor the Accessory Dwelling shall be short-term rentals (less than 30 days).

March 19, 2019

To: Waldport Planning Commission

From: Larry Lewis, City Planner

Re: Accessory Dwelling Units

At the February Planning Commission meeting, the Commission decided to continue review and consideration of Accessory Dwelling Unit (ADU) regulations. To assist in this discussion the following material is attached:

- July 2018 Draft Accessory Dwelling Unit Ordinance – this was originally drafted from the Oregon Department of Land Conservation & Development’s (DLCD) Model Ordinance,
- September 17, 2018 Memorandum – identifies three issues the Planning Commission previously discussed regarding ADUs,
- Accessory Dwelling Units – Newport, Oregon and
Accessory Dwelling Units – Lincoln City, Oregon,
- Emails from the City of Newport addressing the maximum size and height of ADUs, and possible amendments to the current ADU regulations in the future.

ACCESSORY DWELLING UNITS - NEWPORT, OREGON

14.01.020 Definitions

Accessory Dwelling Unit. A second dwelling unit created on a lot with a house, attached house, or manufactured home. The second unit is created auxiliary to, and is always smaller than the house, attached house, or manufactured home.

14.03.050 Residential Uses.

[ADUs are allowed as outright permitted uses in the residential zones (R-1, R-2, R-3, R-4)].

14.16.050 Development Standards - Accessory Dwelling Unit Standards Accessory Dwelling Units shall conform to the following standards:

- A. Accessory Dwelling Units are exempt from the housing density standards of residential zoning districts.
- B. A maximum of one Accessory Dwelling Unit is allowed per lot or parcel.
- C. The maximum floor area for an Accessory Dwelling Unit shall not exceed 600 square feet or 50% of the area of the primary dwelling, whichever is less.
- D. Accessory Dwelling Units may be a portion of the primary dwelling, attached to a garage, or a separate free-standing unit.
- E. The maximum height of an Accessory Dwelling Unit detached from the primary dwelling shall not exceed that of the primary dwelling. An Accessory Dwelling Unit attached to the primary dwelling is subject to the height limitation of the residential zone district within which it is located.
- F. Accessory Dwelling Units shall not extend beyond the required front yard setback lines of the adjacent lots or parcels.
- G. Exterior materials used to construct an Accessory Dwelling Unit shall be the same as those of the primary dwelling or garage.
- H. An Accessory Dwelling Unit shall share water, sewer, electric, and gas connections with the primary dwelling.
- I. Either the primary residence or Accessory Dwelling Unit shall be owner-occupied. The property owner shall prepare and record a covenant or deed restriction in a form acceptable to the city, providing future owners with notice of this requirement.
- J. One off-street parking space shall be provided for each Accessory Dwelling Unit. This requirement is in addition to off-street parking standards that apply to the primary dwelling.

14.16.060 Conditional Use Approval of Accessory Dwelling Units.

If one or more of the standards of this Chapter cannot be met, an owner may seek approval of an Accessory Dwelling Unit as a Conditional Use, pursuant to Chapter 14.34. A Conditional Use Permit may allow relief from one or more of the standards of the Chapter, but does not excuse the owner from complying with the standards that can be satisfied.

ACCESSORY DWELLING UNITS - LINCOLN CITY, OREGON

17.08.010 Definitions.

“Accessory dwelling unit” means a dwelling unit providing complete independent living facilities for one or more persons that include permanent provisions for living, sleeping, eating, cooking, and sanitation and that is created within, attached to, or detached from a single-family dwelling, attached single-family dwelling, or manufactured home. The accessory dwelling unit is auxiliary to and smaller than the single-family dwelling, attached single-family dwelling, or manufactured home.

Chapter 17.16

SINGLE-FAMILY RESIDENTIAL (R-1) ZONE

17.16.030 Accessory uses.

The following accessory uses are permitted:

D. Accessory dwelling units in association with single-family dwellings, subject to the provisions of LCMC 17.80.110;

Chapter 17.20

MULTIPLE-FAMILY RESIDENTIAL (R-M) ZONE

17.20.030 Accessory uses.

The following accessory uses are permitted:

E. Accessory dwelling units in association with single-family dwellings, subject to the provisions of LCMC 17.80.110;

Chapter 17.80

PROVISIONS APPLYING TO SPECIAL USES

17.80.110 Accessory dwelling unit standards.

- A. Purpose. Accessory dwelling units (ADUs) are allowed to provide homeowners with a means of obtaining, through tenants in either the accessory dwelling unit or the principal unit, rental income, companionship, security, and services; ADUs add affordable units to the existing housing supply; ADUs make housing units available to moderate-income people who might otherwise have difficulty finding homes within Lincoln City; ADUs create housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle; and ADUs protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood.
- B. Standards. Accessory dwelling units shall conform to the following standards:
1. Type. Accessory dwelling units may be a portion of the building that contains the primary dwelling unit, attached to a garage, or a separate, free-standing unit.
 2. Floor Area. Accessory dwelling units shall not exceed 750 square feet of floor area or 50 percent of the floor area of the principal dwelling unit, whichever is less.
 3. Lot Size. An accessory dwelling unit may be developed on a lot or parcel with an area of 3,500 square feet or more. If the lot or parcel does not meet the minimum lot size for the zoning district in which the lot or parcel is located, the accessory dwelling unit must be a portion of the existing building (or lawful addition to) the principal dwelling unit. Notwithstanding the above, the ADU may be a separate

structure if the lot is 5,000 square feet or larger, is legally nonconforming and provided all other zoning standards are met.

4. One Unit. A lot or parcel may have a maximum of one accessory dwelling unit.
5. Exempt from Density Limits. Accessory dwelling units are exempt from the density standards of the zoning districts in which they are located.
6. Occupancy. No one may occupy an accessory dwelling unit until the planning and community development department has issued a certificate of occupancy for the unit.
7. Design. An accessory dwelling unit shall comply with the following standards:
 - a. Roofs. Roofs of detached accessory dwelling units shall be similar to the main house, preferably not flat, and shall include high-quality architectural embellishments, such as dormers, gables, and eave trim.
 - b. Facades. A street-facing facade of the accessory dwelling unit shall include a high-quality exterior of materials that are durable and appropriate in a coastal environment, and windows similar in size, style, and orientation to the main house, including molding.
 - c. Color. The exterior color shall be of the same color family and intensity as the main house.
8. Unity of Ownership. An accessory dwelling unit shall not in any way be segregated in ownership from the principal dwelling unit.
9. Owner-Occupied. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the property owner as the owner's permanent and principal residence. The property owner shall prepare, execute, and record a covenant or deed restriction in favor of the city, in a form acceptable to the city, providing future property owners with notice of this restriction. The owner-occupied unit may not be rented to other parties.
10. Off-Street Parking. Each accessory dwelling unit must have one off-street parking space. This requirement is in addition to the off-street parking requirements that apply to the principal dwelling.
11. Primary Entrance. If the accessory dwelling unit's primary entrance is not the same as that for the principal dwelling unit it shall be less visible from the street view of the principal dwelling than the main entrance of the principal dwelling unit. If the accessory dwelling unit is accessed via a stairway the stairway may not be constructed on the front of the principal dwelling unit.
12. Vacation Rental. Neither the accessory dwelling unit nor the principal dwelling unit may be used as a vacation rental dwelling.
13. Sewer Connection. Both the principal dwelling unit and the accessory dwelling unit must be connected to the city sewer system. Neither the accessory dwelling unit nor the principal dwelling unit may use a septic system.

Larry Lewis

From: Derrick Tokos <D.Tokos@NewportOregon.gov>
Sent: Tuesday, March 19, 2019 10:40 AM
To: Rachel Cotton; Larry Lewis
Subject: RE: ADUs

Just a few thoughts. We'll likely make some changes to our ADU rules as part of a package of housing related amendments once the legislative session wraps. It is likely that there will be a number of required changes to our code, depending upon what happens with HB 2001 and other housing related bills.

The approaches outlined by Rachel are reasonable areas for us to explore. My guess is that, for height issues, the Planning Commission will be sensitive to the mass of units over detached garages. Our owner occupancy and shared utility requirements might also be revisited.

Derrick I. Tokos, AICP
Community Development Director
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d.tokos@newportoregon.gov

From: Rachel Cotton
Sent: Tuesday, March 19, 2019 9:43 AM
To: 'Larry Lewis' <larry.lewis@waldport.org>; Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: RE: ADUs

One other issue I would recommend rethinking about our ADU code is that the requirement that the height must match that of the primary dwelling. We allow a conditional use approval for exceptions, which may be the way to go, but I think this still creates some limitations. We have one CUP application in right now where the primary dwelling is under 800 sq. ft. in size and 12 feet tall with a flat roof. They are trying to make a very small ADU work on a 5,000 sq. ft lot for the mother in law's needs but need to build up to get there.

Portland allows up to 20 feet when located outside required setbacks and 15 feet within required setbacks, as an example of an alternative.

Rachel Cotton
Associate Planner
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r.cotton@newportoregon.gov

From: Rachel Cotton
Sent: Tuesday, March 19, 2019 9:26 AM
To: 'Larry Lewis' <larry.lewis@waldport.org>; Derrick Tokos <D.Tokos@NewportOregon.gov>
Subject: RE: ADUs

Hi Larry,

The issue is to me is one of equity. The way our code is written puts people who have smaller homes (which are often older and lower value) at a disadvantage. We have had a few folks come in who have a primary dwelling around 800 sq ft, who are already "living small" and can only add an ADU up to 400 sq. ft. by our code. My recommendation would be to up it to "600 square feet or 75% of the living area of the primary dwelling." That at least gets the 800 sq ft folks up to 600 sq ft for an ADU. See what your planning commissioners think if you give them the example of people who have small homes already to ponder, who may want to add space for multigenerational living (aging relatives, adult children) or guests.

Derrick may have some additional insights, as he originally worked on implementing the existing ADU code.

Rachel Cotton
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From: Larry Lewis [<mailto:larry.lewis@waldport.org>]
Sent: Tuesday, March 19, 2019 9:02 AM
To: Derrick Tokos <D.Tokos@NewportOregon.gov>; Rachel Cotton <R.Cotton@NewportOregon.gov>
Subject: ADUs

Hi Derrick and Rachel –

The Waldport Planning Commission is working on ADU regulations. We (Kerry and I) thought we heard one of you say the maximum floor area for an ADU wasn't working as well as you would like(?). [*The maximum floor area for an Accessory Dwelling Unit shall not exceed 600 square feet or 50% of the area of the primary dwelling, whichever is less.*] Do you have any comments or suggestions on that subject?

Thank you,
Larry

Larry Lewis, City Planner
City of Waldport
541-264-7417, ext. 3

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To: larry.lewis@waldport.org [Remove this sender from my allow list](#)
From: r.cotton@newportoregon.gov

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**City of Waldport
2018 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
For the Period February 12, 2019 through March 18, 2019						
2/13/19	Appeal	Hollis Lundeen	R-1	13-11-19CC/120 Vista View Planned Development	Appeal Planning Commission's re-approval of Planned Development	City Council upheld Planning Commission approval 3/14/19
2/26/19	Building Permit	GVR Investments	L-1	13-11-20BB/700 855/955 Alsea Hwy	Addition to existing shop	Approved 2/26/19
3/14/19	Manufactured Home Placement Permit	Lauren Henry	R-2	13-11-30BA/8000 1240 Forest Parkway Land & Sea Subdiv.	New manufactured home	Approved 3/18/19
3/15/19	Building Permit	Lauren Henry	R-2	13-11-30BA/8000 1240 Forest Parkway Land & Sea Subdiv.	New attached garage	Approved 3/18/19