

**WALDPOR T PLANNING COMMISSION
JULY 30, 2018
MEETING NOTICE AND AGENDA**

THE WALDPOR T PLANNING COMMISSION WILL MEET ON MONDAY, JULY 30, 2018 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: (June 25, 2018)
3. CITIZEN COMMENTS AND CONCERNS
4. CORRESPONDENCE – None
5. PUBLIC HEARINGS – None
6. DISCUSSION/ACTION ITEMS:
 - A. Planning Report
 - B. Waldport Development Code Amendments
 - 1) Mobile Vending
 - 2) Livestock
 - 3) Accessory Dwelling Units
 - 4) Conex and Other Metal Containers
 - 5) List of 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 23rd day of July 2018

City of Waldport

WALDPORT PLANNING COMMISSION
JUNE 25, 2018
MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL: Chair Woodruff called the meeting to order at 2:00 p.m. Commissioners Stole, Woodruff, Schlosser, Kelleher and Barham. Commissioners Virtue and Phillips were excused. A quorum was present. As City Planner Lewis was absent, City Manager Kemp and City Recorder Eckerman provided staff support.

2. MINUTES: The Commission considered the minutes from the May 21, 2018 meeting. Commissioner Stole **moved** to approve the minutes as presented. Commissioner Barham **seconded**, and the motion **carried** unanimously.

3. CITIZEN COMMENTS AND CONCERNS: Hollis Lundeen asked Commissioner Barham about the work being done at the end of Norwood. Commissioner Barham responded that he believed the Forest Service may be doing some annual clearing in the area.

4. CORRESPONDENCE: None.

5. DISCUSSION/ACTION ITEMS:

A. Planning Report: No action needed.

B. Waldport Development Code Amendments: City Manager Kemp noted the current Code does not allow most "farm" animals in City limits. The issue was brought up at the last Council meeting during Citizen Comments, and the Council forwarded it to the Planning Commission for discussion and a recommendation. Discussion ensued regarding the types of animals that could be allowed. Staff noted that communities such as Portland, and Seattle do allow some livestock with limitations. **Consensus** of the Commission was to utilize the existing code language regarding chickens and ducks, and add some select animals to that list.

The question of allowing the storage units known as "Conex's" was then taken up. Following discussion, **consensus** of the Commission was to disallow them in any zone in the City.

The Commission addressed the proposed standards for accessory dwelling units (ADUs). It was determined that accessory dwellings could be allowed subject to the following: one unit would be allowed per single-family dwelling, as long as the size of the lot, setbacks, and lot coverage are within current code standards. The ADU can be a detached building, in a portion of a detached accessory building such as a garage or workshop, or a unit attached or interior to the primary dwelling. Neither ADUs nor the primary dwelling may be used as vacation rentals - all rentals will be not less than 30 days. Either the ADU or the main dwelling unit must be owner-occupied. As long as the addition of an ADU does not increase the non-conformance, conversion of a legal non-conforming structure will be allowed. Proposed plans for ADUs will be reviewed and approved by the Fire District. Separate water/wastewater connections will not be required.

With regard to mobile vending units, Commissioner Barham noted that clarification should be made to the definition so that it didn't appear that units which only sold

merchandise would be also required to be equipped to dispense or prepare foods or beverages. It was also determined that the language should state mobile vending units shall not be located in the public right-of-way, which would therefore indicate the only location could be on private property.

C. Other Issues: None.

7. COMMISSION COMMENTS AND CONCERNS: None.

8. ADJOURNMENT: At 4:10 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 _____, 2018.

SIGNED by the Chair this ____ day of _____, 2018.

Ray Woodruff, Chair

July 16, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: 2018 Waldport Development Code Amendments
UPDATED DRAFT AMENDMENT FOR MOBILE VENDING**

The following draft amendment is based on input received at the June 25, 2018 Planning Commission meeting.

WDC 16.04.030 Definitions

“Mobile Vending” means a structure, cart, trailer, or stand which is movable from place to place, and is used for the purpose of selling merchandise, foods, ~~and~~ or beverages to the public ~~and if it~~ is equipped to dispense food or beverage and/or prepare the food or beverage for consumption. A mobile vending stand does not contain space for customers to enter the stand to purchase or consume products.

The draft amendment language for mobile vending is proposed to be added to the following sections.

16.28 Retail Commercial Zone C-1

16.28.010 Uses Permitted Outright

Chapter 16.30 Downtown District Zone DD

16.030.010 Uses Permitted Outright

Chapter 16.32 General Commercial Zone C-2

16.32.010 Uses Permitted Outright

Draft amendment language for the above identified sections:

Mobile vending, provided:

- 1. the entire mobile vending structure, cart, trailer, or stand, and serving area ~~is~~ shall not be located on private property (not in the public right-of-way).*
- 2. a business license is maintained, unless participating in a city-sanctioned event,*
- 3. all County and State health standards are met,*
- 4. water, sewer and electrical connections must be made in a safe manner,*
- 5. any person operating a mobile vending structure, cart, trailer, or stand shall pick up any litter in any form which is deposited by any person within fifty (50) feet of the mobile vending structure, cart, trailer, or stand at any time the person is conducting business, and shall be responsible for the disposal of same,*
- 6. parking requirements for the property are met.*

July 16, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: 2018 Waldport Development Code Amendments
DRAFT AMENDMENT FOR LIVESTOCK**

The following draft amendment is based on input received at the June 25, 2018 Planning Commission meeting. This draft livestock ordinance modifies the existing Waldport Development Code language regarding chickens and ducks.

WALDPOR DEVELOPMENT CODE

16.04 Introductory Provisions and Definitions

16.04.030 Definitions.

"Livestock" means domestic animals and fowl or types customarily raised or kept on farms for profit or other purposes. This definition does not include household pets such as dogs or cats. *Livestock allowed within the City limits includes domestic fowl (chickens, quails, pheasants, ducks, pigeons and doves); rabbits, miniature goats, and miniature pigs. See Section 16.72 (Supplementary Regulations) for standards.*

16.12 Residential Zone R-1

16.12.010 Uses permitted outright.

In an R-1 zone, the following uses and their accessory uses are permitted outright subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- D. ~~Agricultural use of land, provided that no livestock shall be raised or kept on the premises and provided further that no commercial structure shall be constructed or maintained on the premises. For purposes of this Section 16.12.010, chickens and ducks are not considered to be livestock. The keeping of chickens and ducks are *livestock is* subject to provisions of Chapter 16.72, Supplementary Regulations;~~

16.72 Supplementary Regulations

16.72.130 Standards for the Keeping of ~~Chickens and Ducks~~ *Livestock*.

The purpose of this section is to allow for a limited number of ~~chickens and/or ducks~~ *livestock* on certain properties ~~with standards in order for chickens and/or ducks to assist in insect control and provide eggs for food.~~ The following standards shall be required for the keeping of ~~chickens and/or ducks~~ *livestock* as allowed by Section 16.12.010 of this title.

- ~~A. A permit shall be obtained from the City prior to the keeping of chickens and ducks on properties within the City.~~
- A. The keeping of ~~chickens and ducks~~ **livestock** shall be permitted on properties used for single-family and two-family residential purposes or on C-1 and C-2 properties. ~~Chickens and ducks~~ **Livestock** shall be contained on the same premises where the owner of the ~~birds~~ **livestock** resides.
- B. ***Quantities and Sizes of Permitted Livestock.***
1. ***Chickens and Domestic Fowl.*** Properties that are one-half acre or less are allowed no more than a combination of six (6) chickens and ~~ducks~~ **domestic fowl**. Properties exceeding one-half acre are allowed no more than a combination of ten (10) chickens and ~~ducks~~ **domestic fowl**. ***No roosters, geese, peacocks, or turkeys are allowed.***
 2. ****Rabbits. Up to 6 over six months of age and 6 under six months of age are allowed.***
 3. ****Miniature Goats (pygmy, dwarf, and miniature goats). Up to 3 provided that males are neutered are allowed.***
 4. ****Miniature Pig. One up to 150 pounds is allowed.***
- * *Standards from the City of Eugene*
- C. The keeping of roosters and drakes shall be prohibited.
- D. ~~Chickens and ducks~~ **Livestock** shall be contained within the premises throughout the day. ~~Chickens and ducks~~ **Livestock** shall be contained throughout the night within an enclosed coop or other structure to prevent dogs, coyotes, cats, raccoons, and other predators and pests from accessing the birds. Enclosures containing the ~~chickens and/or ducks~~ **livestock** that are separated from the main building may be located within five (5) feet of a rear property line if the structure is no more than fifteen (15) feet in height. Structures over fifteen (15) feet must meet the standard setbacks.
- E. Food for ~~chickens and ducks~~ **livestock** shall be stored in a secure area free of vermin and not accessible to bears, raccoons, or other scavengers. When food is secured for the night, all food containers shall be secured.
- F. ~~Chicken and/or duck~~ **Livestock** enclosures shall be kept in a good working and sanitary condition, and shall not cause odor or noise nuisances.

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 or the Accessory Dwelling shall be short-term rentals (less than 30 days).

July 16, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: 2018 Waldport Development Code Amendments
UPDATED DRAFT AMENDMENT FOR
CONEX OR OTHER METAL CONTAINERS**

The following draft amendment is based on input received at the June 25, 2018 Planning Commission meeting. Proposed new language is in *bold italicized text*.

WALDPORT DEVELOPMENT CODE

16.72 Supplementary Regulations

16.72.040 General provisions regarding accessory uses.

An accessory use shall comply with all requirements for a principal use, except as the code specifically allows to the contrary, and shall comply with the following limitations:

- A. An accessory structure not used for human habitation and separated from the main building may be located to within five (5) feet of a rear property line if the structure is no more than fifteen (15) feet in height. Structures over fifteen (15) feet must meet the standard setbacks. *Conex or other metal cargo containers are prohibited.*

PRIORITIZED LIST OF CODE AMENDMENTS

Shaded Text identifies proposed amendments that have been drafted by the Planning Commission and are ready to proceed with the public hearing process.

- * 'Low-hanging fruit' – amendments that can be drafted quickly and included in the first round of amendments/public hearing process
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A. Food Trucks/Mobile Vending Regulations

Do food trucks/mobile vending stands need regulatory standards?

B. Recreational Vehicle (RV) Occupancy

Sections 16.12-16.24. RVs are allowed to be parked and stored on lots however they are not allowed to be occupied. RV occupancy has become more prevalent over the past few years. Should there be consideration to allow RV occupancy under certain conditions?

C. Accessory Dwelling Units (ADU)

ADUs, sometimes called “mother-in-law units”, are a way to increase smaller, more affordable housing. Should ADUs be allowed in certain zoning districts with standards?

~~D. Multi-Family Housing Lot Sizes~~

~~Sections 16.12-16.24. The City has had at least two people say an impediment to multi-family development (work force and affordable housing) is the small lot size of multi-family zoned property. Is this a valid concern? If so, is there anything to change in the development code to address this?~~

***E. Notification for Land Use Applications**

Section 16.108. For planned development and subdivision applications, the City has received complaints that the notice of the Planning Commission public hearing is not distributed to as many property owners as it should be. State law requires notices be sent to property owners within 100' of the perimeter of the subdivision/PD property. The City sends notices within 250' of the subdivision/PD property.

F. Conex Containers – Restrict, Prohibit, At Least in the D-D Zone

Sections 16.12-16.32. Should conex or other types of containers be allowed to be placed on properties? If so, should some zoning districts, e.g. the Downtown District, prohibit containers. If allowed should there be any restrictions other than current setback restrictions?

***G. Screen Outdoor Storage in D-D Zone**

Section 16.30. Screening outdoor storage is required in the commercial zoned districts but not in the Downtown District.

***H. Look at other C-1 Standards that should be in the Downtown District (D-D)**

Section 16.30

***I. Appeal Timing and Proceedings**

Section 16.108. Review and update timing, proceedings, and requirements of the appeal process.

***J. Subdivision and PD Time Limits**

Sections 16.60 and 16.100. The time limits of tentative subdivision and preliminary plan approvals for PDs do not match development market conditions.

K. Planned Development – Overall Review and Update

Section 16.60. Overall look at the Planned Development ordinance, i.e. procedure, exceptions, explanations, etc.

L. Planned Industrial Zone (I-P)

Section 16.36. Review standards.

***M. Animal Ordinance**

Request to consider allowing additional kinds of animals besides chickens and ducks, i.e. goats.