

**NEHALEM PLANNING COMMISSION
PLANNING MINUTES
REGULAR MEETING
DECEMBER 19, 2019**

Vice-Chair Lease called the Planning Commission Meeting to order at 6:00 p.m.

**PLANNING COMMISSION
MEMBERS PRESENT:**

Janet Lease, Vice-Chair
Lance Stockton, Commissioner
Mary Jo Anderson, Commissioner
Julie Chick, Commissioner

STAFF PRESENT:

Dale Shafer, City Manager
Melissa Thompson-Kiefer, Asst. City Mgr./Recorder

VISITORS:

Hilary Howell, Nehalem City Councilor

Vice-Chair Lease led those present in the Pledge of Allegiance.

Vice-Chair Lease noted that there is a vacancy on the Planning Commission and after a 30-day notice, the Council will make an appointment.

MINUTES

The Commission reviewed the minutes of the October 17, 2019, Planning Commission meeting. Commissioner Anderson **MOVED** to approve the minutes from the October 17, 2019 meeting as presented. Commissioner Stockton **SECONDED** the motion. **MOTION APPROVED 3-0 (Yes: Anderson, Chick, and Stockton; No: None).**

OLD BUSINESS

None.

NEW BUSINESS

PUBLIC HEARING: Ordinance 2019-04: An Ordinance Amending City of Nehalem Zoning Ordinance 80-02 to Include Certain Changes Required by SB1051, Adopting Rules and Regulations to Allow Accessory Dwelling Units Outside the Nehalem City Limits, But Inside the Nehalem Urban Growth Boundary.

At 6:02 p.m., Vice-Chair Lease opened the public hearing on Ordinance 2019-04.

Vice-Chair Lease confirmed that the Commissioners had reviewed City Planner John Morgan's staff report. (A copy of the staff report is attached to and made a part of these minutes as Attachment A.)

Vice-Chair Lease explained that per City Planner John Morgan's staff report, the Legislature passed House Bill 2001 which established that ADU zoning standards cannot require additional off-street parking spaces for an ADU and cannot require owner occupancy of one of the two dwellings on a property. Therefore, the following must be eliminated from Ordinance 80-02, Section 14.160 Accessory Dwelling Units:

7. Owner Occupied. Either the primary dwelling unit or the accessory dwelling unit must be owner occupied.

9. Parking. A minimum of 1 off-street parking space shall be provided for an accessory dwelling unit. The additional space need not be paved but shall remain unobstructed and available for parking.

Vice-Chair Lease further explained that the following will be added to Ordinance 80-02, Section 14.160, by choice of the Commission:

10. Short Term Rentals. Accessory Dwelling Units are prohibited from being used as Short-Term Rentals.

There being no public comments, Vice-Chair Lease closed the public hearing at 6:07 p.m.

Commissioner Chick **MOVED** that the Planning Commission recommend the City Council adopt proposed Ordinance 2019-04 as drafted. Commissioner Anderson **SECONDED** the motion. **MOTION APPROVED 3-0 (Yes: Anderson, Chick, and Stockton; No: None).** (A copy of the ordinance is attached to and made a part of these minutes as Attachment B.)

PUBLIC COMMENTS

None.

STAFF COMMENTS

City Manager Shafer shared that there might be future business to come before the Planning Commission from an owner who wants to develop his property that is located in the estuary zone. There was a brief discussion regarding flood zone requirements and recollection of past proposals that would have required structures to be built on pilings.

COMMISSIONER COMMENTS

Commissioner Anderson commented that the elk are back in town.

ADJOURNMENT

The next Planning Commission meetings were tentatively scheduled for January 9, 2020, and February 20, 2020.

There being no further business, Vice-Chair Lease adjourned the meeting at 6:13 p.m.

APPROVED: _____
Janet Lease, Planning Commission Vice-Chair

ATTEST: _____
Melissa Thompson-Kiefer, Assistant City Manager/Recorder

Staff Report

DATE: December 17, 2019

TO: City of Nehalem Planning Commission

FROM: John Morgan, City Planner

SUBJECT: Revisions to ADU section of the Development Code

The City Council, at the recommendation of the Planning Commission, adopted an amendment to the Development Code in September which authorized the development and use of accessory dwelling units (ADU) in the residential zones outside the City Limits but inside the Urban Growth Boundary. This was in accordance with the requirements of Oregon Senate Bill 1051 passed by the Legislature in the 2017 session.

Subsequently, the Legislature passed HB 2001 in the 2019 session which established that ADU zoning standards cannot require additional off-street parking spaces for an ADU and cannot require owner occupancy of one of the two dwellings on a property. Both of these provisions are in the Nehalem code amendment adopted in September and legally must be removed.

Also, residents testified before both the Planning Commission and City Council on the issue of not allowing ADU's to be used as short term rentals. The Council generally concurred with this position and referred it back to the Planning Commission for consideration.

A draft ordinance is attached to this report for the Planning Commission's consideration. It removes the parking and owner-occupancy requirements and specifies that ADU's cannot be used for short-term rentals.

The Planning Commission's role is to make a recommendation on the proposed ordinance to the City Council.

Tonight, the Planning Commission will hold a hearing on the proposed ordinance. After the close of the hearing, the Planning Commission will deliberate on the proposed ordinance and vote on a recommendation to the City Council.

Staff recommends the following motion:

I move the Planning Commission recommends the City Council adopt the proposed ordinance as drafted.



ORDINANCE 2019-04

AN ORDINANCE AMENDING CITY OF NEHALEM ZONING ORDINANCE 80-02 TO INCLUDE CERTAIN CHANGES REQUIRED BY SB1051, ADOPTING RULES AND REGULATIONS TO ALLOW ACCESSORY DWELLING UNITS OUTSIDE THE NEHALEM CITY LIMITS, BUT INSIDE THE NEHALEM URBAN GROWTH BOUNDARY.

WHEREAS the Oregon State Legislature has passed Senate Bill 1051 which requires that cities in Oregon Counties with a population of over 15,000 are required to allow Accessory Dwelling Units inside their Urban Growth Boundary; and

WHEREAS Senate Bill 1051 exempts cities with a population of less than 2500 from having to allow Accessory Dwelling Units inside their city limits; and

WHEREAS Senate Bill 1051 allows cities to pass rules and regulations regarding the siting of Accessory Dwelling Units within their city limits and their Urban Growth Boundaries;

WHEREAS HOUSE Bill 2001 places additional restrictions on the rules and regulations that cities are allowed to impose for the siting of Accessory Dwelling Units;

NOW, THEREFORE, the City Council of the City of Nehalem does ordain as follows:

SECTION 14.160 ACCESSORY DWELLING UNITS: Amend as follows.

Where permitted, an accessory dwelling unit may be sited on a lot with an existing or under-construction single-family home, shall conform to all building code requirements, and shall meet the following use and development standards.

1. Location. The accessory dwelling unit, if free standing, shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 6 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements.
2. Number. Only one accessory dwelling unit shall be permitted per lot or parcel.
3. Design. All accessory dwelling units shall be set on a continuous concrete foundation; have any wheels, tongues and running gear removed; and be connected to domestic sewer and water. A separate address may be required for the residence.
4. Area. The floor area of a detached accessory dwelling unit or an addition to an existing residence to add an accessory dwelling unit shall not exceed 100% of the floor

area of the primary residence or 800 square feet, whichever is less. An accessory dwelling unit created by a remodel of an existing residence may not occupy more than one floor of the residence regardless of size.

5. Setbacks. For a Detached Accessory Dwelling Unit, the minimum rear yard setback shall be 10 feet; the minimum side yard setback shall be 5 feet.
6. Height. The maximum height of a freestanding accessory dwelling unit shall be 25 feet but in no case shall the height exceed the height of the primary residence. Accessory dwelling units built within or as additions to the primary dwelling unit, or over detached garages, shall not exceed the maximum height of the zone.
7. Owner Occupied. ~~Either the primary dwelling unit or the accessory dwelling unit must be owner occupied.~~
8. Lot Coverage. The impervious surface associated with the accessory dwelling unit, including the unit and driveways, parking, walkways, and patios, is counted toward the maximum lot coverage for the lot.
9. Parking. ~~A minimum of 1 off-street parking space shall be provided for an accessory dwelling unit. The additional space need not be paved but shall remain unobstructed and available for parking.~~
10. Short Term Rentals. Accessory Dwelling Units are prohibited from being used as Short Term Rentals.

PASSED and ADOPTED by the Nehalem City Council this ____ day of _____, 2019 and APPROVED by the Mayor this _____ day of _____, 2019

APPROVED:

ATTEST:

Bill L. Dillard Jr., Mayor

Dale Shafer, City Manager

First Reading: _____
Second Reading: _____
Adoption: _____
Ayes: _____
Nays: _____
Abstentions: _____