

COLUMBIA COUNTY PLANNING COMMISSION MEETING

August 20, 2018
Draft Meeting Minutes

Planning Commission Members Present: Bill DeJager, Shaun Stewart, Linda Hooper, Jeff VanNatta, Alta Lynch

Staff Present: Glen Higgins, Deborah Jacob, and Kay Clay

Others: Don Campbell, Ryan Viken, Judy Gettman, Stephen Topaz, Linda Zahl, Katherin Everton, Donn Everton, Max Snook, Chris Snook, Mark & Connie Kuhn, David & Carol St Onge, Doug Bradley, Danny Pharr, Karen Harte, Al Petersen, Gretch Witt, Brent Ziemer, Cathy Pitkin, Randy Leach, Vern Runyan, Michael Herdrich, Robert Brock, Laura Criddle, Shanna Harrison and Bill Amos

Jeff VanNatta, Chairman, called the meeting to order at 6:30pm

TA 18-01 Continuation (from July 16, 2018)

Request: Continuation of the July 16th, 2018 meeting to discuss Accessory Dwelling Unit in Columbia County.

Deborah presented the staff report.

This staff report is addressing questions and concerns from the previous meeting.

1. Applying ADU provisions in rural areas outside of UGB

Senate Bill 1051 was Amended by House Bill 4031 (**by adding the Bold**) and identified provisions in ORS 197.312(7) stating AA city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas **within the urban growth boundary that are** zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting an design.

Aggie and Al Petersen argued (others at hearing agreed) that Staff misinterpreted Oregon law by drafting ADU amendments for only residential areas in the UGB; and, that the County should pass ADU provisions that allow ADUs in all residential zones that allow detached single family dwellings, as per the original SB 1051. Argument was made that the HB 4031 amendment only made it a requirement (by the use of the term shall) that the county accept plans for ADUs in UGB areas, but that ADUs are still permissible in all zones allowing detached single family dwellings.

Aggie and Al Petersen met with County Counsel and the Planning Manager on Wednesday, July 18, 2018 to discuss and clarify how the above state legislation is interpreted. The fact is that our County Zoning Ordinance is based on state law and acknowledged by the state to be in compliance with state statute and rules. If the County were to increase housing densities in the Rural Residential areas, the result would trigger the imposition of Statewide Goal 14 Urbanization, requiring an exception to densities allowed under State Rule and be the instrument for a significant change in our Comprehensive Plan. An update of the Housing Element of the Columbia County Comprehensive Plan is long overdue. Al Petersen entered into evidence the AColumbia County Housing Report@ dated December 2017 by Community Action Team and Commonworks Consulting. That study reports a gap in available housing for all income groups and for all family sizes from studio to 4+ bedroom. The County=s strategy in proposing this ADU amendment is to make Accessory Dwelling Units (ADUs) an easily permitted use in single family zones. This is done by starting in the UGB areas as the state legislation requires and then expanding to rural residential single family zones when statutory authority is granted. This strategy can be accomplished without a threat of appeal or a significant change in the Housing Element of the Comprehensive Plan.

At the Petersen/Staff meeting staff stated that if the County were to approve an ordinance that allows ADUs in Rural Residential zones, the ordinance would not be in compliance with state law; and, the State DLCD could appeal the County decision to the Land Use Board of Appeals (LUBA). Thereby, an appeal to LUBA would require the County to spend valuable resources, staff and County Counsel time, to defend the new ordinance in hearings at LUBA. This is not a reasonable alternative.

After some discussion, Aggie Petersen did not argue further with staff's explanation and interpretation of SB 1051 and HB 4031; but, she thinks that the County should amend for the future because expansion into rural residential areas is coming in the Legislature.

Staff Recommendation: Without further evidence Staff recommends that the proposed Section 223.1 remain - ... that ADUs be allowed in City UGB areas.

2. Owner Occupancy requirement of primary or ADU

Testimony revealed that requiring owner occupancy in either the primary residence or the ADU - 1) is not enforceable by county, 2) verification of residency is problematic, 3) verification of owner family members can be uncertain. On the pro-owner occupied - 4) without a landlord present there is no neighborhood accountability, 5) there is higher probability of substandard rental units, and 6) the ADU may be converted to a vacation rental rather than maintained as a permanent dwelling for county residents.

3. Methods for creating an Accessory Dwelling Unit

Testimony was received that the county should add another category (an F) to Section 223.2 ...
A Creation of a new Accessory Dwelling Unit may be accomplished through any of the following methods:@

[...]

F. Constructing a new home on an existing lot with a dwelling and converting the small existing house to a detached accessory dwelling unit, provided both the (new) primary dwelling and the (existing) ADU meet all of the zoning ordinance requirements.

Staff Comment: Staff has no objection to adding this method to the proposed amendments, for clarification. Staff did not include this method in the original draft because it was considered Aa given@. Of course the conversion of the small existing home to an ADU would be allowed if the existing dwelling met all the criteria for a detached ADU.

4. Size limitation of an ADU should be to accommodate disabled persons as well as families not just individuals.

A Universal Design A for accommodating disability B Its main principle is that buildings and objects should be equally functional for people with and without disabilities. The emphasis is on function, not on size of structure.

Aggie Petersen states that ADA compliance requires minimum 1,050 sq ft. Staff cannot find any ADA specifications related to size of residential units

The City of St. Helens City Council is having an ADU hearing on Aug 15th. C The recommendation from their Planning Commission is the lesser of 75% of existing floor area or 1,200 sq ft.

Staff Comment: The present draft limits the size of an ADU to 750 sq ft. Some allowance for handicapped access should be considered. As far as the overall size limitation, all jurisdictions require a size limit. The Commission should keep in mind that the purpose of allowing ADUs is to provide an alternate type of living for some people or extended family members. This is where a small family or individual could occupy an ADU instead of occupying existing housing, which would result in reducing the availability of housing stock countywide.

The Planning Commission should also keep in mind the potential size limitations for ADUs that are served by septic systems. Septic systems are designed according to the number of bedrooms of the served residence(s). This may not significantly increase financial and design factors for ADUs utilizing city sewer, but may result in significant expenses and/or design limitations required to modify existing septic systems or to install a second septic system (with County Sanitarian=s approval) on smaller suburban properties in the UGB.

5. Systems Development Charges for ADUs - This was not discussed at the hearing, nor included or discussed in proposed Amendments.

SDCs are a fee for service set by the Board of Commissioners in public session. The County has adopted the City of St. Helens and City of Scappoose SDC fees within their respective urban growth areas. This zoning ordinance text amendment (TA 18-01) is not the proper venue to address SDCs.

6. Columbia County Housing Report - December 2017 Community Action Team Inc. with/consultants Jim Tierney and Commonworks Consulting -

The Study identifies Columbia County's critical affordable housing issues that need to be addressed. There is a deficit of approximately 2,000 affordable housing units countywide.

The Study concludes that a major contributor to deficit in affordable housing units is our present housing mix, that being 87% single family detached, 2% single family attached, and 12% multi-family. The County needs to encourage a different, wider variety of housing types that cost less than the traditional single family detached units. A wider variety of housing types will better meet current and future demand.

Allowing accessory dwelling units on lots in conjunction with a single family dwelling is encouraging a wider variety of housing types.

7. Separate power and utilities to ADUs - All ADUs can have separate utilities except for sewage - see Sections 222 and 223.5

End of staff report.

Staff recommends that we ask the BOC for approval of TA 18-01.

Linda Hooper wanted to know if they could change our section of the comprehensive plan regarding housing units. Glen Higgins explained to her that there is a process to do that. At this time there is not a plan to do that.

Alta Lynch needed clarification on if we are addressing HB 431 or HB 434. Deborah Jacob explained it is HB 431 and SB 1051.

Linda Hooper addressed #14 in the Accessory Dwelling Units requirements if the parties could bring illegal structures into compliance, if this would address code issues. It would help to bring the existing units into compliance.

Open public hearing:

Al Petersen: Mr. Petersen submitted a submittal from Agnes Petersen, who was unable to attend the meeting. Mrs. Petersen wanted to correct that the staff report had some errors in it. 1. Neither Al nor Agnes Petersen agreed to anything in the discussion with Glen Higgins. 2. Agnes would like a copy of the notes that Mr. Higgins took. (She does not remember him taking any.) 3. Mrs. Petersen does not appreciate having a written summary of something that says that she agrees with Mr. Higgins. 4. In the future when dealing with this staff or any subject I am considering taking a court reporter with her so that there is a correct transcript of what is said. In addition: It would be a waste of county assets to challenge the State on the subject, since there are at least 2 planning goals that apply, both urbanization and housing. Where is the discussion of housing goal in anything that staff wrote?

Al Petersen continued to inquire about responses from the previous meeting. He wanted to know about the response from the attorney's office. He did not want the interpretation of Glen Higgins but from the County attorney and he did not see that. On #2 of the staff report numbers four and five he would like to know what exactly it means and what the factual basis in number five is. Permits are required to build so how would it be substandard? He also wanted to point out that the City of St Helens is approving 1200 sq. ft. homes.

Don Campbell: We need to look at the effect this will have in the citizens, there is a lot of undeveloped land, and there is a NCU that protects the forest lands. LDS has many illegal units now and they refuse to investigate, they protect the outlaws, they do not enforce regulations and rules, a case that comes to mind is the Boursaw property.

Jeff VanNatta stated that the farm help houses are still sub-standard.

Linda Zahl, submitted a letter and pictures. She is very much in favor of allowing ADU's. It will help keep families together. It could be a money maker. If you have a handicapped family member the ADU would be great but don't restrict the size. This could definitely help with handicap people or veterans. A one bedroom home should not be less than 800 and a 2 bedroom home for medical reasons should not be less than 1100 sq. ft. The pictures submitted are of a hardship home that was permitted and all the rules were followed. As it stands now a hardship home is a MFH and usually not handicapped accessible where as a stick built ADU would be. Parking for an ADU home should also be off the road. If possible it would be better to have the ADU's approved in all zones. It appears that the home owner is taking the risk not the County.

Bill Amos, supports the amendment. There is a housing crisis and the ADU would help tremendously, he has had to support 4 families at Avamere, most do not have that luxury

and this would really help. The elderly need dignity and care at the same time. There is an economic need for this. In Washington (White Salmon) ADU's are allowed in all zone. There is a need in all zones not just the UGB.

Stephen Topaz, is bewildered about this whole topic. Illegal buildings does not match reality. There are some very old homes in the county and remodeling doesn't always work. The need and restrictions should not be controlled by other county needs., it doesn't fit. The rules should be based on county and not by a few counties in the state. We need to change the zones for ADU's. We have farm workers that need housing also. We should have county rules not state rules based on the need. Loopholes can be argued.

Brent Ziemer, wants to know who establishes the UGB. Response was the city establishes those boundaries. Are they changeable and if so how?

Jeff VanNatta explained at one time they had a 2 acre go below zoning. You can check on mapping to see the UGB line. If the public wanted to change that they could challenge the UGB ruling at the state level to allow it in all zones. Keep in mind that if the county does not follow the state rules and regulations that the state could refuse money that the county gets. Legislation writes the rules.

Brent Zeimer, prices are insane for real estate, there is not affordable housing available. ADU's would be a great option but 750 sq. ft. is not big enough. Brent does not feel that the staff report is accurate.

Shanna Harrison, real estate agent. How will the ADU be taxed? Doesn't feel the ADU's should be limited to the UGB. We should be concerned with density, setbacks and enforcement. Would like to have it in all zones now and preserve the rural setting. Overall people take pride in preservation. There should be awareness of utilities, septic and electric – what is the capacity? In order to meet the setbacks the new ADU's may have to go up in height. How will these be taxed and marketed for resale?

Closed hearing.

Alta Lynch, Can we put recommendations in the UGB, how often is the comprehensive plan revised. This may be opened to the county but "1000 friends" would try to stop that. 1000 friends are not really your friend. Alta feels we should open up the county as a whole. We should get the planning going for the future in the event that the state approves all zones in the future.

Glen Higgins, noted that in order to do that we would have to revise the comprehensive plan. The BOC is looking at us to get this process started.

Linda Hooper wanted to know if we could recommend to the state that we include the county as a whole.

Jeff VanNatta said the job of 1000 friends is to keep people out of the forest, it is his understanding the forestry companies are not bank rolling them anymore so it may change. If the public wants to make changes in planning they need to start making noise to get things done like the zone for ADU, structure size. People need to look at housing cost verses care home cost.

Linda proposed that we make a couple of changes. 1) ADU's can be a larger house, 2) change the square footage to 1200 sq. ft. and 3) it should not be required that there is owner occupancy.

Alta Lynch, recommends not having to look like the original home and not link it to the original size of the first home and lets recommend that we open this to all zones.

Alta also thinks that when the BOC has their meeting that it should be scheduled in the evening so that the working class could attend.

Linda Hooper thinks we should add a #15 in the ADU requirements to extend to all zones.

Should we consider fast tracking the Comprehensive Plan to recommend Urbanization to include ADU's in the housing element?

Linda Hooper made the motion to recommend the approval by the BOC to TA 18-01 the ADU can be 1200 sq. ft., the owner does not have to live on the property and expand ADU's in all zoning. Bill DeJager seconded. All in favor

Other Business: None

Meeting adjourned 7:48 pm