

**COLUMBIA CITY PLANNING COMMISSION  
REGULAR SESSION & PUBLIC HEARINGS**  
CITY HALL – 1840 SECOND STREET  
JANUARY 13, 2015 - 7:00 P.M.

**PLANNING**

**COMMISSIONERS:**

Laurie Falk, Chair\*  
Barbara Gordon, Vice-Chair\*  
Dennis Capik  
Kelly Niles  
Shelly Sandford  
Mark Worrall

\*Denotes Commissioner absent

**STAFF:**

Lisa Smith, Planner  
Helen Johnson, Planning Administrative Assistant

**OTHERS:**

Wayne Weigandt, St. Helens Resident/Columbia City Developer  
Kristin Walters, Columbia City Resident  
Janis Walters, St. Helens Resident

**MEETING TO ORDER:**

Kelly called the meeting to order in the absence of the Chair and Vice-Chair at 7:02 p.m.

**PLEDGE OF ALLEGIANCE:**

Kelly led the pledge of allegiance.

**APPROVAL OF MINUTES:**

IT WAS MOVED (DENNIS) AND SECONDED (MARK) TO APPROVE THE MINUTES OF THE NOVEMBER 12, 2014 MEETING, AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

**CITIZEN INPUT AND REQUESTS:**

None.

**PUBLIC HEARINGS:**

**REGULAR SESSION CLOSED AND PUBLIC HEARING OPENED.**

Kelly opened the public hearing by stating the purpose of tonight's meeting is to hear public testimony on the adoption of an ordinance amending the Columbia City Development Code (CCDC) 7.112 Accessory Dwelling Units and make a recommendation to the City Council.

Kelly asked the Commissioners if there were any bias or conflicts of interest needing to be declared. None were heard.

Staff report:

Lisa stated the procedures and process for the hearing this evening. She also stated this hearing is a little different because two versions of an ordinance are being considered. Lisa said the changes being proposed would effect only future applications for accessory dwelling units. It was determined during the first use of this chapter of the development code that some clarifications were needed. The Planning Commission had discussions that some of the intended uses were not in line with the vision of why the code was originally created and needed adjustments to make it clear to users.

Lisa entered the staff report into the record, but did not go over every detail. She stated staff recommends either option "A" or "B" to the City Council for approval. Lisa went onto discuss the changes being proposed and how the two ordinances being presented differed. One of the changes limits the number of people in the ADU. When processing the first application for this ordinance it was determined by Columbia County they consider the structure a duplex. The structure is not a duplex; it was not the intention or the purpose of the code. An ADU is to be used as a single-family residence for occupancy by a single family. Lisa reviewed the definition of single-family. Another change needed is that a portion of the home is to be occupied by the owner. The intended use was more focused toward senior or younger market. The size of an ADU currently allowed is up to 50% of the main dwelling unit or up to 1,000 sq. ft. In previous discussions, the Commissioners felt the size was a bit too large for the intended use as an ADU; the suggested change is 600 sq. ft. maximum. When the ordinance was originally drafted the purpose statement was incorporated into the standards. This made the application process ugly and not as simple as it was intended. The land use process for an ADU should be a ministerial decision similar to the building permit application. Because of the way the ordinance was worded, there was a lot more additional process and notice required with the first uses of the chapter.

The difference between option "A" and "B" is that "A" says you can have an accessory dwelling unit inside your house on lots 10,000 sq. ft. or greater. Current code would allow an ADU on a 5,000 sq. ft. lot, which can be done, but raises the concerns in neighborhoods for parking purposes. Lisa also clarified that "A" only allows for an ADU to be attached to your existing house. In option "B" it would keep the current 5,000 sq. ft. lot able to have an attached ADU and would allow a detached ADU on a lot that is 10,000 sq. ft. or greater. This would be the first time a detached ADU would be allowed.

Input in favor:

Janice Walters, from St. Helens, introduced herself and thanked the Planning Commission for all the time, energy and effort they have been putting into this and she is more in favor of option "B" as it offers more choices while still keeping the integrity of the community in tact.

Kristin Walters, from Columbia City, asked for clarification if option "B" would include an RV to be used as an ADU? Lisa advised her that this code change would not allow for an RV to be used as an ADU. She explained the concern with an RV is it doesn't have permanent sewer attachment. Under the proposed code change, the structure would need to be site built and permanent. Lisa explained that the City currently does not have a regulation that would allow someone to reside in an RV outside of an RV Park and she doesn't know of any city in Oregon that allows that.

Janice asked if there would be future discussion on the topic of allowing an RV to be occupie and it was stated there would be.

Input in opposition:

Wayne Weigandt, from St. Helens, introduced himself and discussed the notices he had received on this topic. He stated he received a letter of notification for this decision-making process on January 2, 2015

and he was able to pull up an email sent to him on or around January 6, 2015 that included five pdf documents. He stated the amount of information was overwhelming and he needs some clarification.

Wayne stated his first concern was reading page 2 of the first document (which was the staff report for the legislative amendment to the ADU Chapter 7.112 of City's development code) he read, "On January 2, 2015, written notice was mailed to individual property owner (Wayne stated he didn't know, should it be owner's) of the only existing permitted accessory dwelling unit(s) in the City. This written notice was provided because staff has determined the proposed legislation regulates permissible land uses and that action may affect the value of property." Wayne stated he has permits and is under construction of two ADU's currently and when something talks about property value he questions what staff means by that. Lisa clarified that in that statement, she is staff as the planner and Wayne is the property owner. Wayne stated he had come to City Hall to discuss the matter with Leahnette and Helen, because in his mind he considered them staff. At the meeting with Leahnette and Helen they referred him to Lisa. Wayne directly asked Lisa why she felt his property value would be affected. Lisa explained that Wayne had received notice because the State of Oregon has a rather vague statute that says anytime a code change occurs that may possibly have any affect on personal property a notice is sent. She told Wayne there has not been any outlined specific affect that this change will have on his property.

Lisa did want to be sure Wayne understood the proposed changes regarding owner occupancy would not apply to his properties. Lisa and Wayne continued to discuss these changes. It was stated that Wayne's properties that have current construction permits, would not be required to be owner occupied, would not need to reduce square footages of the ADU and would not have to limit the number of occupants in the ADU portion of the dwelling. Wayne did request a recordable document that outlines the grandfathered topics.

Wayne expressed his concerns that this matter was not given, in his opinion, much citizen input and time for property owners to get involved. He did agree we followed all the notice and legal requirements, but these topics were being discussed in October and November that he was not aware of and questioned if anyone had been involved in those discussions. Wayne stated that a lot of what is discussed in the staff report has big economic impacts on the world, especially a property owner. He feels that the economic value has been passed over in the report. Wayne stated whether or not it will affect him, he can speak on behalf of everyone else who owns real estate in Columbia City. Wayne again stated he is amazed that there was not more involvement.

Wayne discussed the last LCDC change that impacted 50 x 100 lots was when duplexes were taken away and the possibility of an ADU was provided instead. He feels that now "you" (assumed to be staff and commissioners) want to take that away from anyone who owns a 50 x 100 lot. Wayne is asking what is the reasoning for this change. Wayne stated he felt the City is fast tracking this change and it really concerns him.

Wayne and staff discussed at length the County's consideration that his ADU's are duplexes, which they are not; they are designed as an ADU with single utility meters and single addresses. Lisa stated that the existence of an ADU can increase the impacts of the building on the neighborhood and the City has a duty to be concerned about those impacts. The ordinance exists to minimize those impacts, not to eliminate them.

Wayne feels that the 50% rule is reasonable; 600 sq. ft. is too small. He doesn't see the purpose of limiting the square footage. Wayne, Kelly and staff discussed Wayne's concerns of owner occupancy, limiting square footage of the ADU and limiting the number of occupants in the ADU in great length. It was discussed that Vernonia and Cannon Beach are other communities that regulate ADU's with regard to impacts, sizes and purpose of these types of structures.

Wayne considers what is being done as discrimination and doesn't understand why too much control is being proposed over something that is not a problem. He also feels the process has not been transparent. Kelly commented to Wayne that yes the City makes notification as required by law, but we can't make people attend public hearings to provide input.

Lisa apologized that the process appears to be fast tracked; the committee has been discussing it the past few months, it was believed to start in September.

Shelly addressed Wayne to say that she was a concerned property owner like Wayne and since being on the committee has learned that meetings are open to the public, minutes are posted to the website and available for review free of charge. She took objection to say that the City is not being transparent because as she has learned, she could have been attending meetings and reading minutes.

Input neither in favor nor in opposition:

None.

Written comments:

None.

Staff comments:

Lisa stated the one person, who supported option "B", was mostly in support because their desire is to provide temporary housing in an RV on their property, but that is not what is being addressed this evening. She felt the addition of a detached ADU option is a big change to what Columbia City has traditionally offered and feared people would oppose it. She did state that based on Wayne's testimony the greater opportunities provided the more people show support. She commented there is nothing requiring limiting 5,000 sq. ft. and 10,000 sq. ft. lots to have an ADU, but there were conversations about the impacts and the size of that lot have with additional vehicles and addition people that would not exist if there were no ADU. She stated there are no concerns regarding change of the purpose statement. And as for owner occupancy, she stated there is no mandate, it is a local decision. She said when it comes to size limitations; staff does feels strongly that some form of cap should be placed on the square footage of the ADU. Lisa comment the question about number of occupants in the ADU still needs to be discussed.

Wayne clarified for the record that he felt the size of the ADU at 50% of the main dwelling unit or a 750 sq. ft. cap is more reasonable than the 600 sq. ft. as presented.

**PUBLIC HEARING CLOSED AND REGULAR SESSION OPENED.**

Discussion:

Mark stated that Wayne's input was valid. He also commented that it is difficult to get larger turn out for these meetings without being too intrusive to residents.

Dennis said considering an ADU as a single-family residence is important. It shouldn't be looked at as a rental investment. He feels the City has the right to build the City how it wants to, but doesn't want to become too "Metro".

Shelly also agreed with Dennis to say that the priority should be to preserve the single-family unit. This is the flavor and tone of our community. Shelly stated she would like to further discuss the topic of owner occupancy, specifically related to having to vacate an ADU if the owner leaves the home. She didn't feel

the number of occupants in the ADU needed to be limited, because she felt the limited size of the unit would regulate the number of occupants on it own.

Commissioners discussed to strike the second part of item "G" that states no more than 2 persons shall reside in the accessory dwelling unit. IT WAS MOVED (MARK) AND SECONDED (DENNIS) TO STRIKE THE SECOND PART OF ITEM G AS OUTLINED ABOVE. MOTION CARRIED UNANIMOUSLY.

Commissioners discussed square footage maximums of an ADU in a single-family residence. IT WAS MOVED (MARK) AND SECONDED (DENNIS) TO INCREASE THE MINIMUM SQUARE FOOTAGE BEING PROPOSED FOR AN ADU TO A MAXIMUM OF 750 SQ. FT. MOTION CARRIED UNANIMOUSLY.

Commissioners discussed the topic of requiring either the main unit or ADU be owner occupied. The Commissioners agreed not to make changes to this requirement.

IT WAS MOVED (SHELLY) AND SECONDED (MARK) TO RECOMMEND TO THE CITY COUNCIL THE FINDINGS IN THE STAFF REPORT, THE OPTION "B" WITH THE PREVIOUSLY MENTIONED CHANGES. MOTION CARRIED UNANIMOUSLY.

### **REGULAR SESSION CLOSED AND PUBLIC HEARING OPENED.**

Kelly opened the second public hearing to hear public testimony on the adoption of an ordinance amending the Columbia City Development Code (CCDC) 7.164 Procedures for Decision Making: Limited Land Use Decisions and (CCDC) 7.162 Procedures for Decision Making: Quasi Judicial and make a recommendation to the City Council.

Kelly asked the Commissioners if there were any bias or conflicts of interest needing to be declared. None were heard.

#### **Staff report:**

Lisa noted for the record there was no one else in the room except Planning Commission and staff. She explained that similar to the ADU ordinance being amended based on actual application; we are also proposing amendments to the limited land use process based on actual application. In November the City faced a process, that in Lisa's experience was the most unusually in her 20 years of land use planning. A Planning Commissioner attempted to appeal a decision made by the Planning Commission. She stated Planning Commissioners are not granted standing to appeal from the dais. They are given the opportunity to make standing but must remove themselves from the position of Commissioner and place themselves in the role of resident. Lisa said when reviewing the code and how to deal with the situation the process was unclear. So with this review there were a couple of areas that needed better clarification and that is the reason for this public hearing.

Lisa entered the staff report into the record by reference and reviewed the changes with the Planning Commissioners.

Kelly stated with no audience they would not ask for input.

#### **Written comments:**

None.

**PUBLIC HEARING CLOSED AND REGULAR SESSION OPENED.**

**Discussion:**

The Commissioners were all in agreement with the presented and discussed changes.

IT WAS MOVED (DENNIS) AND SECONDED (MARK) TO RECOMMEND TO THE CITY COUNCIL THE FINDINGS IN THE STAFF REPORT WITH AN EMERGENCY CLAUSE AMENDING CCDC 7.164 AND 7.162 AS PRESENTED. MOTION CARRIED UNANIMOUSLY.

**UNFINISHED BUSINESS:**

Commissioners and staff discussed the topic of public awareness to matters coming before the Planning Commission and the steps taken to encourage involvement including newsletter, website posting, bulletin board posting, personal invites to those who have expressed an interest in a topic.

**NEW BUSINESS:**

Staff and Commissioners discussed the plan for February's agenda, which will include several items including vision clearance area, vacation short-term rentals, metal roofed structures, setbacks for portable storage structures, tiny homes or occupancy of an RV and the need to select a new chair for the Planning Commission.

Helen read by ordinance all structures need to be meet setbacks. Lisa stated if a structure doesn't require a permit how are you going to monitor setbacks and felt it should be exempt. It was presented to consider using the definition of building instead of structure. Helen will do some research for the next meeting.

Another topic that was discussed by Commissioners and Staff more specifically was tiny houses and portable units such as RV's that connect and disconnect to septic systems. Lisa is concerned that it wouldn't be something the City can easily permit because it could potentially have a huge impact on capital facilities planning related to septic. Commissioners stated if they were on wheels, they are considered to be a mobile unit. It was mentioned that some of these situations are showing up in Portland and it seems like they are self-contained for septic with dumping capabilities. Everyone seemed to agree that it would be concerning when the portable unit needed to be dumped, but it is not being done. It was stated that within a City it doesn't make sense or work well to provide occupancy of a portable unit, where as in the County you have much more space to work with and it may not have a much of an impact on the neighbors. The general consensus of the Commissioners was there are other options available then to allow portable units, whether it be a tiny house or an RV.

Commissioners and staff also discussed marijuana. Right now nothing is needed for recreational use, the State of Oregon is writing the rules and we will address it in the future. Lisa stated that medical marijuana does need to be addressed as it relates to zoning and what zones it would be allowed it. At this time Lisa stated that if someone came through the door requesting an application for a medical marijuana dispensary, she would not be able to process the application without first obtaining an interpretation from the City on whether Federal statute is applicable. It is possible the City may determine Federal statute is not applicable.

**ADJOURNMENT:**

Meeting adjourned at approximately 9:21 p.m.

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Kelly Niles  
Planning Commissioner

Attest by:

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Helen K Johnson  
Planning, Building Administrative Assistant