

**PLANNING COMMISSION
MINUTES**

June 25, 2018
6:30 p.m., DSB Auditorium

Commissioners present: Brian Pasko, Mary Phillips, Michael Wilson, Mark Fitz, Christine Drazan

Commissioners absent: Tom Peterson

Staff present: Marth Fritzie, Glen Hamburg, Mike McCallister, Darcy Renhard

1. Commission Chair Pasko called the meeting to order at 6:35 p.m.
2. Grover Bornfeld, Jennings Lodge: Mr. Bornfeld has great concern when he reads that 40% of our population cannot afford a one-bedroom apartment. He is concerned about the restrictions to ADUs in terms of SDCs. Where he lives, it would cost over \$20000 in permit fees and SDCs to build an 840 sf ADU. He doesn't think that we are looking at it from the right perspective. We need to do things that are broader and more effective to address the issues facing us. Existing restrictions are an impediment to keeping up with the housing needs.
3. Chair Pasko opened the public hearing. Glen Hamburg provided an explanation of the staff report. Exhibit 1 and Attachment 1 are new. ZDO-269 is a proposed legislative amendment to the Comprehensive Plan and the ZDO. It is intended to expand opportunities for ADUs. Part of the amendment package is a State mandate for the County to allow ADUs in areas where we currently do not allow them. The County is proposing to allow ADUs in areas not mandated by the State as well. The standards will depend on the location, but manufactured homes are not allowed currently. Legislation mandates that we move from allowing one ADU per lot of record to allowing one per legal dwelling inside UGBs. We are proposing to allow manufactured homes as ADUs, but only in the FF-10, RA-1, RA-2, and RRRF-5 zones. They must also be between 700-720 sf. We are proposing to expand the allowances to include the MRR zone up on Mt. Hood, and to apply these same standards to the HR zone. Staff is recommending that there no longer be an owner occupancy requirement, that they be a maximum of 720 sf, and that there are standards for entrances on attached ADUs.

The State has also said that another optional possibility is to allow accessory dwellings on properties with what are referred to as historic dwellings, but only outside the UGBs and urban reserves; only in FF-10, FU-10, RA-1, RA-2, RR, and RRRF-5 zones. There would also be a minimum lot size of 2 acres and the existing "historic dwelling" must have been built between 1850 and 1945. The need not have an official designation as a historical structure, just be considered historic based on the criteria in the proposed amendments. An ADU that is built on a site with one of these "historic" homes may actually be built up to 120% of the existing size of the historic home, which would make the historic home the accessory dwelling. One caveat is that they cannot be replaced if they are somehow destroyed. There would not be an owner occupancy requirement for these types of dwellings. Staff reminds the Commission that this proposal is an option, it is not required. Approval of these proposals may open up rental options and options for extended family members to remain on the property with other family members, but there might also be a question of fairness and equity. Staff has no idea why the 1945 cut off, other than possibly pre-war housing and historic preservation. Staff recommends approval of ZDO-269 as submitted in this packet.

Commissioner Fitz asked if there are options for other sizes to be allowed. Glen answered that the County has the discretion to choose. They must be able to meet current building codes, though. Commissioner Fitz would reduce the minimum size requirements so that tiny houses would meet standards, Commissioner Drazan asked if 700-720 sf is the standard size of a single wide manufactured home. Glen explained that we are proposing to apply the same standards as we have in other zones. 720 sf maximum has been in our code for urban low density residential zones since the late 90s, and at this point we did not consider making the standard larger because it seems to have worked so far. We also have to consider that if we allow ADUs that are larger than what the cities allow, then when annexation happens the ADUs may be larger than what is allowed in the city. 700 sf is the minimum for primary manufactured dwellings, so it makes sense to Commissioner Phillips to reduce the minimum requirement for accessory dwellings. For existing homes between 1850 and 1945, what are the protections for historic designated homes? Glen answered that for the purpose of this proposal, the term historic does not mean that the home is actually on the historic registry. It is simply a home built between these years. If the home did have historic designation, then the historic overlay applies to the entire property. Commissioner Phillips is concerned that where

there are significant or potentially historic properties that there be some sort of sighting requirement to preserve the nature of what might make that home a historic structure.

There were no agencies, CPOs, hamlets, of villages who wished to testify.

Joan Zuber, South Clackamas: She cannot see doubling the population for whomever wants it. She does not think that it will make anything more affordable. Once taxes and expenses are paid, then they will not be rented at lower rates than what is already out there. South of Molalla there is an area that is very limited water. If you have someone in that area who to build an ADU, then they would be drawing more from the aquifer and having to drill another septic. Her understanding is that the County can actually be more restrictive than the State if it so chooses.

Grover Bornfeld, Jennings Lodge: Tiny homes are 160 sf and meet all kinds of requirements. He is concerned that the State spoke to allowing 800-900 sf and waiving SDCs. He doesn't feel that our proposed 700 sf mandate doesn't address the State's intent. Glen clarified that if something is a manufactured dwelling, then it must meet the 700 sf requirement. A tiny home can be pre-fab and assembled onsite, but it would still have to meet building codes.

Chair Pasko closed the public testimony portion of the hearing and opened deliberations.

Chair Pasko proposed that these recommendations be split into 2 segments. Commissioner Wilson is concerned about the limitation on manufactured homes. He thinks that the upper limit should be larger in order to meet then intent, and that it should also be a smaller minimum requirement to allow for tiny houses. Commissioner Phillips supports most of staff's recommendations. Tiny houses are manufacture d off site and would not meet the standards, which she feels is over limiting if we are trying to increase housing stock. She would also like the minimum to be reduced for ADUs. She thinks that removing the owner occupancy requirement is a good idea. Commissioner Fitz concurs that the needed housing is exceeding inflation, and the supply is just not there. He would recommend that we get as flexible as we can and come back in a couple of years after this housing crisis is alleviated and see where we are at. Commissioner Drazan agrees that the more flexibility the better. If there are health safety issues, then they should be considered, but she would like to allow for as much flexibility as possible. Chair Pasko asked what staff thinks of the proposed numbers. Glen answered that in the urban zones, a manufactured home must be at least 700 sf. There is no maximum. Commissioner Fitz stated that from a historical aspect, owner occupancy is a really hot issue in the Damascus area. Martha Fritzie said that we need to have a conversation with building codes to clarify what the requirements are. If it is a stick-built home, then there is no minimum for an ADU. She's not sure if there is a minimum in building codes for manufactured homes. Maybe the solution is to not have a minimum size, because ultimately what they are going to have to meet are the building codes. Mike McCallister said that using the work 'tiny homes' is really confusing. They are one of three things: recreational, manufactured, or modular. They meet no regulations whatsoever. The issue here is that any structure that is an ADU has to meet building codes. Commissioners Drazan and Phillips would like to have no minimum, and Commissioner Drazan would like the maximum to be smaller than the primary dwelling. Commissioner Philips thinks that there should be a maximum. The intent is that the ADU is smaller and incidental to the primary dwelling.

Commissioner Fitz moved to recommend adoption of ZDO-269 as recommended by staff with an increase in the ADU size limit to 900 sf in all zones, amend to read that manufactured homes will have no limit on minimum size, and a that the existing primary residence will not be smaller than the ADU. *Ayes=5; Nays=0. Motion passes.*

Regarding the historic dwelling portion of the proposal, Commissioner Wilson has no comments, and Commissioner Fitz has no real concerns as anyone who proposed one is going to have to show that they have adequate water to support a second dwelling. Commissioner Drazan thinks that it would be helpful to understand why they chose the cutoff dates that they did. It seems like it would be beneficial to know how much people are going to take advantage of it. Commissioner Phillips supports staff's proposal for this. It adds more options for increasing housing stock, and it encourages maintenance and preservation of potential historic structures. We should take a look at what impacts adding an ADU might have on these properties and would want to make sure that the second dwelling doesn't detract from the potential historic significance of the property. Commissioner Drazan disagrees. The property owner should have rights. If they seek historic designation, then so be it. But it should not be forced on owners who have not chosen to seek historic designation. Chair Pasko hates these take it or leave it things, but feels

that overall it will do more good than harm. Commissioner Fitz moved to the code change to allow for a new residence if a house was built between 1850 and 1945 as staff proposed. Commissioner Wilson seconds. *Ayes=5; Nays=0. Motion passes.*

Commissioner Fitz moved to recommend approval of staff's recommendation to allow 900 sf ADUs in the HR and MRR zones, and to apply the standards in Section 839 of the ZDO to those zones as well. Commissioner Wilson seconds. *Ayes=5; Nays=0. Motion passes.*

The next meeting is July 23rd.

The only other business is that the BCC did follow up interviews for new PC members. Hopefully we will have new appointments soon.

Planning Director recruitment closes at 11 pm tonight.

There being no further business, the meeting was adjourned at 8:18 p.m.