

Pacific City/Woods Community Planning Advisory Committee (PC/W CPAC)

Minutes of the SPECIAL MEETING with the Tillamook County Workforce Housing Task Force (WHTF) on July 30, 2011, 10:30 am Central Building (next to the Post Office), 33570 Brooten Road Pacific City, Oregon

FINAL VERSION -- 8/20/11

The Chair-elect David Yamamoto called the meeting to order at 10:30 am and introduced five members of the WHTF – Gail Ousele, Barb Taylor, Howard Goodman, Kurt Heckroth, and Sarah Absher. They were present to hold an “informational meeting” about the latest draft (7/21/2011) of Tillamook County Ordinance SECTION 4.150: ACCESSORY HOUSING. A copy of this document was emailed to all PC/W CPAC members on July 24, and it can also be viewed on our website – www.pacificcitywoodscpac.org. Eighteen persons were present at the beginning of the meeting, including Chris Chiola, Interim Director of the Tillamook County DCD (Department of Community Development). Members of all the County CPAC’s were invited to this meeting, but it appeared that only those from our PC/W CPAC were in attendance. This session was more informal than our regularly scheduled meetings, although there was a sign-in sheet.

The members of the WHTF began the meeting with a description of how this effort started and the process that they have gone through to date. The State of Oregon Goal 10 requires there should be a diversity of housing, and in April 2009 the Task Force was set up by the TCPC (Tillamook County Planning Commission) and the DCD to address the need for workforce housing. After holding a series of meetings the effort was expanded to include other housing needs in the County, and several drafts of a proposed Ordinance were prepared. Please review the “fact sheet” attached to the July 24th email for more detail on why this change is needed. Recently the WHTF decided they are now ready to begin the formal review and public hearing process. This will require at least one review by the State LCDC and a final review by the DCD for possible legal and/or other ordinance conflicts; to be followed in October by a series of hearings before the TCPC, other public meetings including discussions at CPAC’s, and final hearing and adoption by the BOC (Board of Commissioners).

After the presentation by the WHTF members and a review of the language of the present draft Ordinance, the meeting was opened up to comments and questions from the audience. The following list of topics summarizes this exchange, with the items listed in no particular order of importance:

1. The maximum size of an ADU (Accessory Dwelling Unit) is dependent on the square footage of the primary structure. It will ‘generally’ have a separate entrance and must include a kitchen, bathroom, and sleeping area. A requirement for providing one additional parking space is contained in Subsection (5)(g) Parking. Subpart (4) (b)1. of the draft Ordinance requires that an ADU must use ‘the same potable water source as the associated primary...use.’ The question of whether or not a separate hook-up is necessary is left to the discretion of the local sewer and water district(s). In our community, the Pacific City Joint Water and Sewer Authority requires a separate service for each dwelling unit on a lot.
2. The Ordinance applies only to unincorporated communities in the County. This is because that is the requirement of the State and because this will be a County land use ordinance.
3. In subsection (1) PURPOSE AND INTENT, four specific groups of users are mentioned, however use by others is not prohibited. These four are ‘caretaker housing,’ ‘local workforce,’ ‘fixed income households,’ and ‘family and guests [provided] with independent living quarters.’ There was some discussion about the use and usefulness of this last category, but no changes were made at the meeting.

4. The item above relates to provisions in subsection (5)(h) Occupancy and rental. In Subpart 1., it mentions occupation of the ADU by ‘renters’ and ‘lessees,’ as well as by ‘estate caretakers/ groundskeepers,’ thereby significantly broadening the possible users for the units. Subpart 2. goes on to state that ‘...neither the ADU or primary dwelling...shall be used as a short-term vacation rental.’ A minimum rental term of 30 days is required for the ADU. This provision allowing for “long-term rentals” is a major modification to existing zoning ordinances, and would mean there is the chance for a significant increase in the number of such commercial use in residentially zoned areas.
5. During the discussion and question periods, it was stated by WHTF members that the number of the lots eligible for construction was estimated to be fairly small. However, when maps of sample areas of various unincorporated communities in the County were displayed, it appeared that the theoretical percentage of those where an ADU is possible would range from 20 to 80 percent, depending on slope, setback requirements, and other factors.
6. The construction of an Accessory Dwelling Unit is established as a CU (Conditional Use) in all residential zones (but not allowed in rural residential, due to a State restriction) and all commercial zones as well. In the latter zones (C-1 & C-2), the major affect of this would be to allow a living area above the ground floor on any lot that meets minimum size requirements. Presently use as a dwelling unit is only possible if such an area is occupied by the owner or as an ‘accessory use.’ The change would allow such living spaces to be created as an ADU and rented/leased out to any one, creating more residential use of commercially zone lots.
7. As for an ADU in a residential zone (R-1, R-2, & R-3), the impact is even greater. Present zoning allows as an outright use that two (or more) residential dwellings can be built on an R-2 or R-3 lot that is 2500 sqft larger than the minimum lot size. If the Ordinance is approved, an ADU and a primary dwelling may be constructed on the minimum size lot, which is 5000 or 6000 sqft, depending on the slope of the land. Setback requirements, etc. must be met, but this will allow for the possibility of an increase in the number of two-family dwellings. In the R-1 zone, minimum lot size for a single-family dwelling is 7500 sqft. Building a two-family structure is presently allowed as a conditional use, but only if the lot is greater than 10,000 sqft. Under the ADU Ordinance a two-family residence still would require approval of a CU, but again it would be allowed on the minimum size lot. This would increase the likelihood of much greater housing density in this zone as well.
8. About the Conditional Use request process. Such requests go first to the DCD for review and comment. Sometimes approval or denial occurs at this level, but usually the CU is forwarded to the TCPC for their action. CU’s are intended to allow for non-outright permitted uses in the zone in question, and the process is fairly straightforward. While there may be some “restrictions or conditions” placed on the proposal before approval, if the request meets the existing standards for the zone, as one WHTF member/Planning Commission member in July 30th meeting commented, “the vast majority” of such requests get approved. The concern expressed by some attendees is that the adoption of the ADU Ordinance opens the way through the CU process for substantially increasing the density of all residential zones. The possibility for such a use mostly did not exist when the present land owners purchased their property, and it was suggested that while more “affordable housing” is a good goal, it should not be accomplished to the detriment of the present owners, since it has the potential of weakening the structure of the neighborhood and reducing property values. Yes, it may not happen often; but also yes, potentially doubling the number of residences in some areas is certainly possible.

9. Several approaches to modify the Ordinance to address the concerns above were discussed. One would be for each community to make any changes they see are needed in their Community Plan and the accompanying Land Use Zones for their community. Another would be for changes to be made in the current Ordinance draft. For example, in the tables summarizing the community zones, the 'Minimum lot size for 1 SFR' could be changed to what is required for construction a two-family dwelling under exiting zoning requirements, with the heading changed appropriately.
10. The question of whether a local Community Plan and Land Use Zones can be more and/or less restrictive than existing County requirements came up during the discussions. Members of the PC/W CPAC Community Plan Review Committee had asked this question of DCD staff several months ago and were told the answer is yes. Sarah Absher, the DCD representative at the meeting, expressed uncertainty whether this was true and promised to research the question and inform us of her findings.
11. There were some suggestions about "housekeeping" changes or clarifications that are needed to the present draft version of the Ordinance, and these will be considered by the WHTF.

The meeting was very useful to all who attended, and the WHTF members did an excellent job of responding to the audience's questions and comments. Based on the variety and intensity of what was brought up during this meeting, it would appear that the WHTF might need to consider modifications and preparation of one more draft of the Ordinance, but there was no statement that this would occur.

The meeting was adjourned at 12:34 pm.

CPAC's provide local citizens an opportunity to interact with their neighbors on local land use issues that impact their surrounding environment and are a valuable tool for decision-makers in formulating policies, rules and ordinances for land use and other community issues. This is public meeting and public comment may be presented.

For further information contact Gloria Scullin – CPAC Chair
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