



# City of Aumsville



595 Main St., Aumsville, OR 97325  
Office (503) 749-2030 -- FAX: (503) 749-1852  
Email: cityadministrator@aumsville.us

## **AUMSVILLE CITY COUNCIL MEETING Minutes April 23, 2018**

Councilor Della Seney called the meeting to order at 7:05 PM in the Chester Bridges Memorial Community Center, 555 Main Street, Aumsville, Oregon. Council present were Councilors Gabe Clayton, Brian Czarnik, Trina Lee, Della Seney, and Lorie Walters (arrived at 7:07 pm). Absent were Mayor Robert Baugh, Jr., and Councilor Kevin Crawford. Planning Commission present were Commissioners Vicky Barber, Gus Bedwell, Dan Kluver, Russ Snow, Tom Youmans, and city representative Carrie Murphy. City Administrator Ron Harding (CA Harding), Council of Governments Contract Planner Lisa Brosnan (Planner Brosnan) and Executive Assistant Lora Hofmann (EA Hofmann) were also present.

**Agenda Approval:** Councilor Czarnik made a motion to approve the agenda as presented. Councilor Clayton seconded; voting for the motion were Councilors Clayton, Czarnik, Lee, Seney, and Walters. The motion passed unanimously.

**VISITORS:** Dr. Satya Chandagiri stood and introduced himself, indicating he is running for the local state representative position. He explained why he is running and asked for support.

**CONSENT AGENDA:** Council reviewed the April 9, 2018 through April 13, 2018 Check registers and the April 9, 2018 Aumsville City Council Meeting Minutes. Councilor Lee motioned to approve the consent agenda as presented. Councilor Czarnik seconded. Voting for the motion were Councilors Clayton, Czarnik, Lee, Seney, and Walters. The motion passed unanimously.

Councilor Walters left due to illness (7:20 pm).

**VISIONING/WORK SESSION:** The staff report for amending the Aumsville Development Ordinance to add rules for Accessory Dwelling Units (ADU) was provided by Planner Brosnan. She gave a short history of what has been mandated through the legislature and then shared a definition of an ADU and an overall review of the requirements to allow them for cities based on their population. She had a list of considerations to be discussed, which she will then use as a springboard to prepare for two public hearings before the APC and ACC for adoption. This is the public discussion piece.

### **III. CONSIDERATIONS**

SB 1051 calls for ADU regulations to comply with items related to "siting and design" and be "reasonable," but otherwise the Bill does not set standards. Thus, each city must determine the appropriate standards for ADUs.

The City Council and Planning Commission may consider the following issues related to ADUs as well as others determined to be reasonable and in compliance with the State requirement:

Objective versus Subjective Standards: It appears ADUs are “needed housing” in accordance with Oregon Revised Statute 197.303, and if that is the case, the standards applied to ADUs must be clear and objective, not subjective.

Type of Structure: SB 1051 requires local regulations to allow an ADU as a detached structure or as a space in the main single-family dwelling. Thus, ADUs can be in garages and in separate detached buildings. When an ADU is in a garage, the black and white separation between ADUs and accessory structures blurs, but the portion of the building with the ADU is the ADU and the portion of the building with the garage is the garage.

Manufactured Home: Does the city want to allow or prohibit a manufactured home as an ADU. Commissioner Barber asked if we are discussing manufactured or modular home and said that she thought if the city allows manufactured homes, they should allow them as an ADU. Commissioner Bedwell asked that size of an ADU be determined before they go forward.

ADU Size and Lot Coverage: The name “Accessory Dwelling Unit” indicates the dwelling unit is “accessory” and is secondary, ancillary or subordinate to the dwelling on the property. Thus, many cities require the ADU to be small. An absolute maximum size can be required or the size can be a percentage of the area of the main dwelling. Planner Brosnan said that most cities have limited them to 800 feet or less. CA Harding said that the city has a lot coverage restriction and Commissioner Bedwell clarified that if someone only has 400 feet of lot left, they wouldn’t qualify for an ADU. Councilor Seney most two bedroom apartments are 850 square feet. You are allowed to cover no more than 45% of the lot in our code right now for RS and no more than 50% in the RM. Max lot coverage will stay as is; and ADU’s can have a maximum square footage of 800 square feet or 50% of primary structure, whichever is less. CA Harding would like to see a minimum square footage also. It was noted that 200 square feet is minimum size to obtain a building permit. Commissioner Barber said that it needs to be large enough to accommodate plumbing. Stay with the current set back requirements.

Discussion of accessory structure vs. living unit (ADU). If someone wants to convert an accessory structure, they must meet ADU setbacks. CA Harding pointed out that there is a height restriction on accessory structures. If it is non-conforming, they have to make it conforming. It cannot continue the non-conforming status. Commissioner Barber asked about whether they will be allowed on a lot with an 8-plex or duplex. No. It has to be a single family dwelling to qualify for an ADU.

Design: To maintain the appearance of a detached single-family neighborhood, typical ADU regulations require ADUs be located in a side and/or rear yard and not in the front yard and not in a side yard adjacent to a street. To support typical single-family design elements, specific design elements could be required similar to or consistent with typical roof and siding materials used on single family dwellings. Discussion was to set the ADU behind the front line of the primary structure and “off-set” it. Planner Brosnan said there needs to be a set limit to make it easy to enforce. Discussion of the 6 foot set back for fire purposes and the side set back from the property line may make it impossible to use a side yard for an ADU.

Second Story Windows: Where an ADU is in a rear yard and is two-stories, some cities require

any second story window to be privacy glass to prevent the ADU occupant from observing activities in the rear yard of the abutting property. Commissioner Barber argued against privacy glass as long as set backs are met. Citizen Rep Murphy agreed.

Nonconforming Structures Becoming ADUs: Some existing dwellings are nonconforming as to height or setbacks or some other requirement. Some detached structures are also nonconforming. Should nonconforming dwellings and structures be allowed to become ADUs? Consensus was no, it must be made conforming, if they want to make it an ADU

Building Separation: Where the ADU is detached, should there be a minimum distance between the main dwelling and the ADU? The Oregon Residential Specialty Code does not specifically address ADUs, thus the separation standards for duplexes are used and they require a separation of at least six feet and no fire wall is required, or where the separation is less than six feet a two-hour fire wall is required. The group discussed tying the amount of separation to the local fire code.

Height: Where the main detached single-family dwelling is one-story, should the ADU be limited to one-story? Citizen Rep Murphy said she is thinking no, and Councilor Lee said if the setback is met, why not allow two-story. Commissioner Youmans asked for the current rear setback maximum. (RS 5ft for single story; 8ft for 2-story; RM 10ft setback and 1ft for each additional story) Commissioner Barber said she could see a stand alone garage possibly allowed to have a second story. Question about design and whether the ADU could be restricted to match the primary or not allowed to be taller than the primary structure.

Set back requirements: Discussion of a corner lot and what the restriction should be. CA Harding said we don't want to regulate for the one rare exception; that's what variances are for. Decided they wanted to maintain current set backs.

Parking: Where a detached single-family dwelling is required to have a minimum number of parking spaces, the issue is, should the same or a similar requirement apply to the ADU. An ADU can be occupied by two or more wage earners who each drive to their jobs. The requirement of off-street parking is an issue to address. It was noted that there is something in the code now regarding driveway separation. There was discussion to not allow a curb cut for ADU. The city currently requires two off street parking spaces per dwelling unit. Commissioner Barber asked if it would be okay to put in a paved area next to driveway. Discussion of requiring one or two parking spaces and whether it might clog on-street parking. They also considered if the garage is converted, does that make their off street parking requirement non-conforming? They were all certain that they do not want to allow something that can become non-conforming. Commissioner Bedwell suggested 400 or less; one parking spot; more than 400 up to 800 feet require two spots.

Entrances: To not deviate too far from the traditional elements of a detached single-family neighborhood, some cities require the ADU entrance to not face the street. If adding to current dwelling the ADU can not have a front door the same as current dwelling. Discussion of whether it is important to have a restriction on the front door.

Addressing: Discussion of addressing and whether to add an "A" (or "B") to the ADU.

Occupancy: Does the owner of the property have to live in either the primary or ADU? Discussion of enforcement, and if there is a requirement for the owner decides to rent, do we evict? CA  
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Harding talked about regulating it at the permit stage. It would be difficult to evict a resident. We would most likely fine them for a land use violation.

SDC's were discussed and CA Harding used an unusual current case and how it was left to "discretion." It would be better for enforcement to have clear standards. Commissioner Youmans said he thinks it needs to be the same amount of SDC's. Discussion of whether there needs to be separate water line to each. The group consensus was to charge SDC's and require separate accounts for water and sewer, whether it is a separate structure of garage conversion.

Short-Term Rental: Either the ADU or the primary dwelling have the potential of becoming a vacation rental. The city may want to consider addressing the issue of vacation rentals. The group thought the likelihood of that happening was very small.

Screening: Should a fence, wall or hedge be required to screen a new ADU from the side or rear of an abutting property? Consensus was there was no need for additional screening.

Discussion of whether the ADU can be mobile or whether site built is a necessary requirement. Councilor Czarnik is not comfortable with limiting an ADU that is just dropped in place to actually being built at site. Consensus was to require it to be placed on a foundation.

Building is required to have a kitchen, bathroom and living area.

Short discussion about ADU's on church property and there is a state requirement to keep it as affordable housing for 60 years. Consensus was that it makes more sense to build homes.

CA Harding said under our current ordinance they would have to meet primary residence status first. There cannot be an accessory structure without a primary structure.

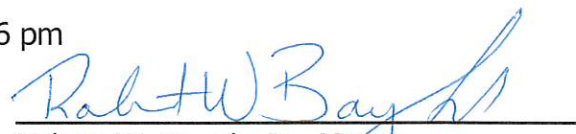
Commissioner Snow brought up church property again and said we need to make sure we have a definition for "church."

There will be a public hearing before planning commission on May 3<sup>rd</sup> and before council on the 14<sup>th</sup>. CA Harding explained the reason for rushing to get it done is because of state requirement for instituting ADU's and it doesn't preclude the city from revising the code in the future. There was discussion about adding a clarification for the setbacks.

**GOOD OF THE ORDER:**

City Administrator's Report – nothing that is new – city is busy.

The meeting adjourned without objection at 9:06 pm

  
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Robert W. Baugh, Jr., Mayor

  
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Ron Harding, City Administrator