



Marion County

OREGON

PLANNING COMMISSION MINUTES

PLANNING COMMISSION

George Grabenhorst – Chair
Carla Mikkelson – Vice Chair
Stanley Birch
Mike Long
Rick Massey
Gary Monders
Dennis Person
(vacant)
(vacant)

DATE: January 24, 2017
TIME: 6:30 p.m.
PLACE: Senator Hearing Room, 555 Court St. NE, Salem

Present: Stanley Birch, Carla Mikkelson, Mike Long, Rick Massey, George Grabenhorst and Gary Monders

Absent: Dennis Person

Chair Grabenhorst called the meeting to order:

1. Election of 2017 Chair and Vice-Chair

Commission Member Long nominated Carla Mikkelson as Chair. The motion was seconded and passed unanimously. Commission Member Birch nominated Dennis Person. The nomination was seconded and passed unanimously.

2. Work Session:

- Discussion on accessory dwelling units (ADUs) in urban growth boundary areas.

The newly elected Chair Mikkelson opened the discussion. Brandon Reich, Senior Planner, indicated this will be very preliminary discussion. He explained the Board asked Planning staff to bring this issue to the Planning Commission for general discussion on ADUs in both rural and urban areas. There is legislation pending at the Capital and there is no timeframe for this project. Brandon handed out two sheets that cover what will be discussed tonight, what is an ADU and rural versus urban, and standards that might apply. Brandon indicated he has been tasked with finding out whether the Planning Commission supports rural ADUs, any feedback on the general issue, and possibly a letter to Commissioner Carlson.

Brandon continued that ADUs can be referred to as granny flats, apartments, tiny homes, etc. It is a second dwelling on the property that can be rented out and includes a kitchen. Limitations can be placed on these dwellings to make sure they are not a full dwelling unit. He referred to the standards list that includes those already adopted by Aurora, Silverton and pending in Salem. Items to consider include what type of structure will be allowed (converted living area, remodel, detached, etc.), size, location, density standards, and owner occupied status, height, number of ADUs, screening, design, parking, entrance, and utility connections (separate or not).

Discussion followed on units in Corvallis for college students or older folks in rooms in large older houses. Brandon explained the current regulations on how many occupants are allowed in a single family dwelling, what is considered a group home, and rental discrimination against people with children, seniors, etc. Brandon reiterated that ADUs are not considered a single family dwelling and Mr. Grabenhorst mentioned standards the City of Salem is considering and the intent to keep the character of neighborhoods. He added he feels these ADUs should be owner-occupied and not as rental units. Mr. Birch expressed concern for the use of campers and trailers in backyards being used as rentals, and some of them looking very shabby. Other members commented they are also concerned about the use of RVs as rentals. Mr. Grabenhorst stated that ADUs are not RVs or campers and not mobile. Mr. Birch asked if the intent is to, at some point, allow these types of units and Brandon indicated that issue would be part of this discussion.

Discussion followed on the issue of air Bnbs. Brandon indicated this has been an issue for some of the coastal areas and not necessarily in this area but the standard of not allowing rental or doing long-term rental might eliminate this issue. Discussion followed on problems with daily or weekend rentals and the Commission agreed it probably would not be an issue in this area, especially if the standard of owner occupied is used.

Brandon discussed the issue of using “tiny homes” that are on wheels and how those might be included as an ADU. Currently they are considered a type of RV as they are mobile but it might be possible to allow them with standards. Mr. Grabenhorst replied he feels RVS should be kept to RV parks. Discussion followed on members’ experiences with RVs being used long-term, how building codes are impacting the inability to use the tiny homes as dwellings, etc. Mr. Massey stated the State is looking at changing building codes so that these tiny homes are inspected as dwellings and regulated as such. Brandon explained current county regulations that allow an RV to be used as living quarters for up to 180 days in a calendar year and discussion followed. Mr. Massey stated the tiny homes are currently licensed as an RV by DMV and not inspected for safety concerns, plumbing, etc. Brandon indicated the use of RVS as permanent living quarters will be part of this ADU discussion. It will be up to the PC to make recommendations on use of RVs as living quarters and tiny homes as an ADU. PC members discussed whether tiny homes would qualify as an ADU based on any standards adopted and how these might be used by families during times of financial hardship.

Brandon explained rural ADUs are very different and currently under review by the legislature, including RVS and manufactured homes. He explained this issue has different criteria as the parcels are 1, 2, 5 acres, etc. and there are residential areas and resource zone areas. There is a proposal at the legislature to allow ADUs on rural property but currently the general rule is one dwelling per parcel with a few exceptions. Mr. Grabenhorst stated he feels until the legislature makes any change, it would be futile to have much discussion on this issue. Brandon explained, after being asked, that a guest house is allowed but it cannot have both a kitchen and bathroom and is not considered a residence for permanent occupancy. Discussion followed. Brandon explained the proposed legislation would allow an ADU on rural residential and farm property and the ADU can be site built, manufactured home or RV. Local governments, if they choose, must adopt standards. Mr. Massey indicated the state

homebuilders association is supporting this legislation and he concurs. Brandon replied he would like feedback from the PC on whether or not the members would support that legislation. If so, and it is adopted, then the PC would work on standards. He added the concept of ADUs in rural areas is much more broad, for the type of structure, and also has other issues such as add septic, size, traffic impacts, etc. but not some of the issues for the urban area such as parking. Mr. Grabenhorst commented he would support the concept in rural residential areas but not farm zones. Chair Mikkelson added if done in farm zones they would have to have much stricter regulations on size and location. Mr. Grabenhorst agreed and the group then discussed how adding an ADU will impact existing septic systems and whether to restrict new septic systems.

Brandon asked if the PC has a recommendation for rural ADUs, in general? Chair Mikkelson responded she could accept the concept but not ready to make a recommendation on anything else. Mr. Grabenhorst concurred. Mr. Monders added the PC can't go much further than that until the legislature takes action. Brandon reiterated it sounds like there is support for ADUs in rural areas but the PC wants to ensure the county has strong opportunity to adopt local standards to ensure compatibility, nonimpact on resources, etc. The PC all concurred. He indicated he will email that information to Commissioner Carlson and will let the PC know if any other action is needed or taken. Mr. Birch mentioned how Hawaii handles a type of ADU and is done very well and done without permits. He suggested staff look at how that is done, with certain standards. Brandon replied he will look into it.

Brandon summarized he will pass on the recommendation on rural ADUs but there might not be any action in the near future. Mr. Monders asked if the PC could get copies of any of the legislation. Brandon indicated he would do that. He then suggested, for ADUS in urban areas, he will send out a sheet of possible standards for the PC to make notes to discuss at the next meeting. The intent would then be to come up with a draft list of standards and recommendations and then hold a public hearing. Mr. Monders indicated he would like to wait and not go too far until the City of Salem determines its standards. That would help the PC as some standards for areas that border the City should be similar. Chair Mikkelson concurred as some of the areas will eventually be annexed. Mr. Monders agreed that you don't want an "across the street" issue. Mr. Long agreed having the information from the City of Salem will be a big help, along with information from the other cities they already have.

Brandon and the PC discussed scheduling the next meeting. Based on schedules, the PC set the next meeting to continue discussion for March 14th.

3. Adjournment.

There being no further business, the meeting was adjourned.