



CITY COUNCIL NOVEMBER 5, 2018 AGENDA
REGULAR MEETING 7:00 PM
City Hall, 1001 Bridge St. Vernonia OR 97064

Mission Statement

The City of Vernonia pledges to be an ethical and responsive government using community collaboration to foster leadership and a vision for civic improvement while providing a safe, peaceful, economically viable community.

1. Call to Order and Pledge of Allegiance – Mayor Leonetti

2. Additions or Corrections to Agenda

3. Councilor Committee Meeting Reports

4. Topics from the Floor/Audience Participation

5. Consent Agenda for Approval

- A. City Council Meeting Minutes for October 8, 2018 Pg.1-3
- B. City Council Meeting Minutes for October 15, 2018..... Pg. 4-7

6. Unfinished Business

7. New Business

- A. Parks Committee Recommendation – Spencer Park Memorial Trees Pg. 8

- B. Public Hearing for PA17-02: Amending Chapters 9-01 and 9-07 of Title 9 to address cottage homes, street vacations and several other small code text updates Pg. 9-16
 - a) Call Hearing to Order
 - b) Order of Hearing
 - c) Exparte
 - d) Conflict of Interest
 - e) Challenge
 - f) Staff Report-City Planner Ryan Crater
 - g) Testimony in Favor
 - h) Testimony in Opposition
 - i) Neutral Testimony
 - j) Final Call for Testimony
 - k) Applicant Rebuttal
 - l) Extend the Hearing
 - m) Close the Hearing

8. Business from Departments

- A. Police Department – Chief Conner

B. City Administrator Report – J. Mitchell

9. Ordinances/Resolutions

A. Ordinance 918: Amending Title 9 Chapters 9-01 and 9-07 Pg. 17-18

10. Correspondence

A. City/County Dinner Invite Pg. 19

11. Items from Mayor and Councilors

12. Action Item Summary

13. Adjournment

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CITY COUNCIL SPECIAL MEETING
MONDAY, October 8, 2018 6:00 PM
City Hall, 1001 Bridge St. Vernonia OR 97064

MINUTES

Councilors in Attendance: Mayor Leonetti, Councilor McNair, Councilor Seager and Councilor Wagner

Absent Councilors: Councilor Hult

Staff in Attendance: City Administrator Mitchell and City Recorder Borst

Media Present: Scott Laird, Vernonia Voice

Open Special Meeting – Mayor Mario Leonetti

Mayor Leonetti called the meeting to order at 6:02 pm

Corrections/Additions to the Agenda

Councilor Seager made a motion to approve the agenda as presented. The motion was seconded by Councilor Wagner.

Votes: Councilor Seager: Yes

Councilor Hult: Absent

Councilor Wagner: Yes

Councilor McNair: Yes

Mayor Leonetti: Yes

Motion carried.

Business

A. Waste Management Transfer Station Discussion

City Administrator Mitchell spoke with Michael Kennedy from DEQ regarding the storm water permit. He explained that the October 29th deadline is for starting the discussion, not a deadline for compliance. They discussed the site and he said we may be able to qualify for a no exposure conditional exclusion for the permit. Mrs. Mitchell walked the site today with Greg from WM and they developed a plan. Items stored in the floodway will be removed and the site cleaned. The 30-yard dumpsters that are being stored will be moved under the lean to. The glass container will be switched to one with a lid and the comingle containers will be moved. City staff will clear brush around the perimeter of the site to reduce illegal dumping. The city will also add gravel to pot holes to reduce puddling. Mrs. Mitchell will call Mr. Kennedy tomorrow to notify him that the city is working on qualifying for the exclusion and to request a site visit in 30 days.

Mrs. Mitchell added that she spoke with Greg regarding the time that garbage is at the site and he stated that it typically leaves the site within 48 hours. Recycling stays but is covered. Councilor McNair inquired as to if transfer station customers are required to dump fuel and oil from mechanical items that are dumped. Mrs. Mitchell explained that they are, but sometimes people sneak things in. The oil disposal container is located under the lean to and in a double container. The Hudson grey water tanks that are currently there will be required to be cleaned.

Councilor Seager inquired as to if the permit will have a term. Mrs. Mitchell explained that the exclusion will have to be justified every renewal. She is unsure how often renewal will be but will ask Mr. Kennedy. Mr. Seager asked if Waste Management is ok with pursuing the exclusion in order to stay open. Mrs. Mitchell stated that Greg was ok with it and the requirement for the transfer station is in their Franchise Agreement. Councilor McNair inquired as to if the land and infrastructure is owned by the city. Mrs. Mitchell

stated that it was, and that there is no requirement in the agreement that the city has to provide the land. Mr. McNair explained that as restrictions get tighter, the city may need to relocate the site out of the flood plain. Mrs. Mitchell stated that its difficult as the only city owned land in a private area is by the cell tower. The possibility of relocating the recycling station to head works (At the sewer plant) was briefly discussed. It was concluded that the site could handle the storm water runoff, but there was concern that the site is a sensitive area which we may not want the public to have access to. Security at the site would also need to be increased.

Consensus of Council is for staff to notify DEQ that the city is working on meeting the requirements for the exclusion and to schedule a site visit in 30 days.

B. Water Curtailment Measures

City Administrator Mitchell presented the documents to Council (See File). She explained that staff is looking for direction on how Council would like to amend the regulations. Councilor McNair inquired as to if the ESA (Endangered Species Act) restrictions on coastal streams has any bearing on water curtailment. Mrs. Mitchell stated that she was unsure. Mr. McNair stated that his understanding is that the state is most concerned about communities having sufficient water and that they have regulations for curtailment in case of drought. City Recorder Borst confirmed that it is a state requirement that every municipality have curtailment measures.

Councilor McNair asked if there were any documents from Fish and Game that state that we must take aquatic life into account. Mrs. Mitchell stated that the water right provided (certificate 59659) is for aquatic life. Mr. McNair explained that the referenced water right for aquatic life is trumped by the water right for human and livestock consumption. Mrs. Mitchell explained that consumption has been defined as water for drinking, bathing, and household use as was defined in the Klamath Falls case. She added that the goal of curtailment is to protect our water right for consumption.

City Administrator Mitchel explained that the group had previously discussed creating curtailment measures by date to better match the states water right. The cities water right is 2.2cfs on top of the states. Mr. McNair inquired as to who's right has precedent. He explained that water rights work in seniority. Dale Webb confirmed that water right law goes by seniority. Mr. McNair explained that he would like to know where the cities water right stands prior to having the conversation on how to restrict use. Mrs. Mitchell explained her understanding of water rights and that we should match our restrictions to the states right so it is easier for staff to defend to citizens.

Councilor Seager inquired as to how much water is hauled as bulk water during the dry months. He explained that his decision on how to regulate bulk water would depend on how much is being used. Mrs. Mitchell explained that she would need to check how much revenue was generated from the bulk water station.

Dale Webb explained that without a biological test there is no way to know how curtailment and water levels effect the fish. Other factors that affect the fish are crowding, disease, and water temperature. Mr. Webb added that he heard that 15% of the flow could be used before it starts to affect the fish. He added that the group could consider the flow data from the gauge over the last 10 years. Councilor McNair explained that his main concern is that the curtailment levels are defensible by staff. Mr. Webb proposed getting input from the Water Resources Department.

The group then discussed at what stage to curtail bulk water sales. Councilor Wagner requested data showing the residential average from April thru July. Staff will send the requested data to Susan.

Councilor McNair expressed concern regarding the publics perception if we curtail water use for water customers inside the community but not users outside the city thru bulk water sales. City Administrator Mitchell added that those purchasing bulk water aren't paying for the infrastructure as customers connected to the system are. City Recorder Borst explained that she may be biased as she grew up on a well; but bulk water users may have an opposite perspective as when citizens inside the city are still wasting water (IE Watering lawns), they

are without water for survival. Mr. McNair stated that they need to move to town then, council does not represent citizens outside town.

The group then discussed potential ways to restrict bulk water use to only essential uses. Ideas included raising the price during drought periods (at a higher cost they may use less) and setting a purchase allotment.

Councilor Wagner explained that she understands the needs of those on a well but also wants to protect the rights of our customers inside the city. Mayor Leonetti explained that people outside of city limits are a part of the community. We may represent those inside the city, but need to think of those in the surrounding area. Those people help keep this community and businesses alive. He clarified that he is not against regulating bulk sales. Councilor McNair declared a question of personal privilege. He explained that its not that he doesn't care about people in the surrounding community, his duty is to those inside the city limits. Councilor Seager spoke in favor of restricting bulk water sales but still allowing them.

The group discussed potential ways of notifying bulk water users of water curtailment measures and the level at which it will be shut off. City Administrator Mitchell suggested a sign be installed at the bulk water station that can be updated with the current level of restriction. It would also state the level at which bulk water would be locked off. Council agrees with this suggestion. Consensus of Council is to allow bulk water sales for human and livestock consumption and restrict those sales when we restrict what citizens inside the city can use in the house.

Councilor McNair stated that "Essential Use" needs to be defined. He requested that staff bring a definition to the next work session. Mr. McNair added that the group needs to decide how long to wait until changing the level of curtailment (Eg. How long before reducing the level when the river flow increases).

Councilor Wagner explained that the group needs to develop a better way of notifying people of curtailment levels. She suggests putting a sign, similar to the forestry fire danger signs, at each end of town. She also suggested post cards be sent to customers. City Administrator Mitchell suggested a seasonal notice be sent in the water bill or the bill envelope itself be stamped that curtailment is in effect. After brief discussion, consensus of the group is to research getting a sign similar to the forestry sign. The sign could also be used for flood warnings.

Next Work Session: November 26th at 6pm.

Adjournment

Mayor Leonetti adjourned the meeting at 7:52 PM



CITY COUNCIL OCTOBER 15, 2018 **MINUTES**
REGULAR MEETING 7:00 PM
City Hall, 1001 Bridge St. Vernonia OR 97064

Mission Statement

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Councilors in Attendance: Mayor Leonetti, Councilor Hult, Councilor McNair, Councilor Seager and Councilor Wagner

Staff in Attendance: City Administrator Mitchell, City Recorder Borst, Finance Director Handegard and Chief Conner

Media Present: Scott Laird, Vernonia Voice

Call to Order and Pledge of Allegiance – Mayor Leonetti

Mayor Leonetti called the meeting to order at 7:00pm

Additions or Corrections to Agenda

Councilor Wagner made a motion to approve the agenda as presented. The motion was seconded by Councilor Seager.

Votes: Councilor Seager: Yes Councilor Hult: Yes Councilor Wagner: Yes
 Councilor McNair: Yes Mayor Leonetti: Yes

Motion carried.

Councilor Committee Meeting Reports

Topics from the Floor/Audience Participation

Consent Agenda for Approval

- A. Cemetery Committee Meeting Minutes for September 2018
- B. Library Committee Meeting Minutes for September 2018
- C. City Council Meeting Minutes for October 1, 2018

Councilor Hult made a motion to approve the consent agenda for approval. The motion was seconded by Councilor Wagner.

Votes: Councilor Seager: Yes Councilor Hult: Yes Councilor Wagner: Yes
 Councilor McNair: Yes Mayor Leonetti: Yes

Motion carried.

Unfinished Business

- A. Grandstand Draft Lease and MOU

City Administrator Mitchell presented the documents to Council (See File).

Councilor Wagner explained that she would like to see #9 in the MOA (Memorandum of Agreement) to be more specific. She is concerned that not being specific about the condition of the field may lead to it not being repaired sufficiently. Mrs. Mitchell requested clarification of what she would like there as repaired to “Normal Use” would be repairing divots and seeding if needed. Councilors McNair and Hult agreed with the

stated concern. Mr. McNair added that he doesn't want the requirement to be too restrictive in case the city is not able to maintain the field to its current condition. He would like the restriction to be that the leaser repairs the field to the condition it was in prior to the event.

City Administrator Mitchell explained that Mrs. Pelster from ICSV expressed concern that only single axle vehicles are allowed on the field (Section 3.5 in the MOA). Mrs. Mitchell explained to her that changing the wording was up to Council and that she would present it to them. Councilor Wagner expressed concern that this section was too specific as she can see someone finding a loop hole. She suggests merely stating "Including but not limited to" or "anything that may be destructive to the field".

Councilor Hult explained that vehicles could be on the track but that is not delineated on the map. Mrs. Mitchell asked if "Greenman Field" is everything inside the track, or just the football field. Scott Laird stated that he would interpret it as everything inside the track. Consent of Council is that "Greenman Field" is everything inside the track.

Rick Hobart, Greenman Field Committee, explained that he talked with Steve Whiteman about Spencer Park and was told the area may be fenced off. Mrs. Mitchell explained that the Parks Committee has discussed potentially putting up Posts and Cable due to the Jamboree Softball players driving on the field, but have not made any decisions. Mr. Hobart explained that fencing the area may be a good idea even if just to prohibit linear trail users from driving/riding on the field. Mrs. Mitchell stated that signage may help but people don't always listen.

Staff will amend the map to reflect that vehicles can drive on the track. They will also amend to reflect that Greenman Field is everything inside the track. Mrs. Mitchell inquired as to when Council would like to review the agreement again. She suggests Council review with changes prior to it being sent to ICSV. Consensus of Council is for staff to incorporate the requested changes then send the agreement to Council and the ICSV. Staff will then schedule a Work Session for the two parties to meet and discuss. Staff will schedule the WS after the test results are back.

New Business

Business from Departments

B. Monthly Department Report

City Administrator Mitchell presented the report to Council. Councilor McNair inquired as to when the completion date is for the Waste Water Treatment Plant. Mrs. Mitchell explained that the goal is for the remaining work to be completed by the end of the month. Mr. McNair asked if the new permit has been issued. Mrs. Mitchell explained that the new permit won't be issued until Public Works turns in the testing results after the project is complete. The final O&M Manual and As-builts will be completed after Gordan's final report which is 6 months after everything is running. Staff has been trained on the new systems.

C. Finance Department Quarterly Report – Angie Handegard

Finance Director Handegard presented the report to Council. Councilor McNair inquired about the increase in income for the Cemetery Fund. Mrs. Handegard explained that the increase is a combination of cash carry forward and revenue from plot sales.

Councilor McNair inquired about the increase in the Water and Sewer Funds. Mrs. Handegard explained that these funds include cash carry forward and have also seen an increase in usage and connection fees.

Councilor McNair asked if the Parks Fund also includes cash carry forward. Mrs. Handegard explained that it includes very little carry forward. He also inquired about the Airport Fund. Councilor Seager explained that the fund includes money from the sale of the trailer. Staff added that the increase is also because the hangers are all rented now. There has also been interest in building additional hangers.

With consent of Council, Councilor McNair requested a break down of the funds excluding cash carry

forward. Staff will send the updated document via email to Council and any other interested parties.

D. Police Department – Chief Conner

Chief Conner presented his report to Council. He explained that the department gets an audit of some sort every year. This year there are two. The security audit is for internet and building security. The results of the last security audit were that the servers had to be secured.

Councilor Wagner asked about the reduction in traffic stops. Mr. Conner explained that there is a reduction in traffic stops every year around this time. They will continue to decline until January or February. Traffic stops should also increase when the department is fully staffed.

E. City Administrator Report – J. Mitchell

WWTP Bio Dome Installation: We had a final walk through with USDA representative Patricia Cousins to sign off on the WWTP upgrade project. Once the final reduction change order makes it through the USDA process, the retainage can be released. There were two small warranty items; the door needs adjusting with the pin mechanism, and one-hour count reader is not working. R & G has been notified and they have 30 days to schedule the repair of the issues. Ammonia/Bio Domes: The foundation and equipment pads are poured, blowers are in place, electrical has been pulled to the site, and the building is scheduled to be placed this Wednesday. Once the building and electrical are final WCS will come and perform the initial start-up.

Rose Avenue Senior Center & Food Bank Construction Project: The contractors who bid the job have been notified that the bids were rejected. A meeting will be scheduled for the upcoming month to review the specifications and remove the items that we identified as overbuilds, as well as adding specific criteria to the design build components of electrical and HVAC systems.

Councilor Wagner asked if there was any feedback after rejection letters were sent. Mrs. Mitchell explained that she has not received any feedback from the contractors.

Storm Water Draining 4th Avenue: Public Works spent last week exposing and installing new storm drain piping from the homes on 4th Avenue to Lincoln School Property site, we are awaiting the easement with Mr. Chadek to be finalized so that Public Works can extend the storm drainage through to the ditch on Nehalem Street.

Transfer Station DEQ Industrial Storm Water Permitting: I performed a walk-through of the Transfer Station with Greg Johnson from Waste Management. We developed a plan to attempt to meet the No Exposure Certification requirement with DEQ. I have talked to Michael Kennedy from DEQ and asked for a 30-day extension to perform the needed changes in order to get the certification. Waste Management has already removed and reorganized the site, some groundwork remains to be completed. Once we file the paperwork DEQ may come out to assure we are compliant, no date set as of yet.

Mrs. Mitchell and Mr. Johnson from WM discussed that the no exposure certification is contingent on people assuring that they get all of their garbage into the containers. They discussed publishing something in the paper educating the public on the importance of doing so.

Grandstands Committee Meeting: Before you this evening you have the draft lease and MOU for review, if the documents are acceptable, I will forward them to the ICSV. The roofing samples for asbestos testing are being dropped off in Portland tomorrow. We performed the scratch testing and at your next meeting I will go over the results of the testing with a report.

Hot Air Balloon Launch: City Legal is drafting an agreement to cover the City's liability in an instance like

this. The owner will have to complete and sign the agreement prior to any launch.

Ordinances/Resolutions

A. Resolution 15-18: Adopting a Library Policies Handbook

Library Director, Shannon Romtvedt, presented the resolution to Council. She explained that the Inter-Library Loan Policy will give users who rarely get out of town access to more materials.

Councilor McNair made a motion to adopt Resolution 15-18: A Resolution Adopting a Library Policies Handbook. The motion was seconded by Councilor Hult.

Votes: Councilor Seager: Yes Councilor Hult: Yes Councilor Wagner: Yes

Councilor McNair: Yes Mayor Leonetti: Yes

Motion carried.

Correspondence

Items from Mayor and Councilors

Councilor Seager will not be in attendance for the November 5th meeting.

Councilor McNair thanked Mr. Laird and The Voice for hosting the candidate’s forum. He thought the candidates did a great job, especially the ones he’s bias toward. He was also pleased with how the Facebook feed went.

Mr. Laird explained the difficulties of streaming a live feed and that they worked hard to stitch together the recordings in order to be posted. They learned a lot this year, and hope next year will be smoother.

Action Item Summary

Staff will make the requested changes to the MOA and map for the Greenman Field Grandstands

Staff will email the amended MOA and Map to both parties and schedule the work session after the test results are back.

Staff will revamp the Finance Report and distribute to interested parties.

Adjournment

Mayor Leonetti adjourned the meeting at 7:52 pm

These minutes were approved at the November 5th, 2018 City Council Meeting.

Stephanie Borst, City Recorder

Mario Leonetti, Mayor

October 29 , 2018

To: Vernonia City Council

From: Parks Committee

Re: Parks Priorities

The Parks Committee, at their committee meeting on October 24 , 2018, voted 5-0 to recommend to the City Council that they approve the purchase of 20 more rootball Memorial Trees for Spencer Park, so they can be offered for purchase by March of 2019.

Signed,

Scott Laird, Parks Committee Chair,

Heidi Methaney, Parks Committee Secretary

VERNONIA CITY COUNCIL
PROPOSED TITLE 9 AMENDMENT
STAFF REPORT

October 18, 2018

TO: City Council

FROM: Matt Straite, City Planner

REQUEST: The City proposes a Zoning Code Text Change to revise Chapters 9-01 and 9-07 of Title 9 to address cottage homes, street vacations and several other small code text updates. (File # PA 17-02).

APPLICANT: City of Vernonia

LOCATION: City wide

INITIAL PLANNING COMMISSION PUBLIC HEARING: July 19, 2018

EXHIBITS:

- Draft Ordinance No. 918
- Draft Revised Underline- Strikeout Ordinance Title 9 dated October 4 , 2018

Applicable Title 9 Code Criteria

- Chapter 9-01.09 Text Amendments
- Chapter 9-01.11 Procedures
- Vernonia Comprehensive Plan

I. Background

The Planning Commission directed staff to prepare code edits to:

- allow for tiny homes (cottage homes) in the City of Vernonia to help address affordability and add the ability to further the City's tourism;
- to add street vacation criteria and processes to the code;
- to make several other small changes deemed necessary by the Planning Commission and staff.

The Planning Commission held several workshops that were open to the public. Staff worked with the Planning Commission to craft and evolve the changes proposed to the code. Changes are proposed to Chapters 9-01, and 9-07. No changes were proposed to Chapter 9-02 through 6 or 8 through 11. On September 20, 2018 the Planning Commission recommended the City Council adopt the attached full redline/strikeout version of Title 9. Highlights of the proposed changes include (Planning Commission and staff approach to the changes are in *italics*):

1. Tiny homes (cottage homes) standards and regulations are added. *Adding standards for tiny homes was the impetus for this entire code revision. After a thorough review and several Planning Commission workshops, it became clear that the current code was actually very accommodating to tiny homes. There are no minimum home sizes for stick built homes. The code currently features a 950 sq foot minimum on mobile homes, which has been removed, and a 1,000 sq foot minimum in a 'park' has remained. The 1,000 square foot minimum from Section 9-01.06-20 has not been changed as that may alter a standard that many in existing parks have come to rely on. The Commission gravitated to the larger conceptual idea of permitting a newer type of housing concept, the "Cottage Cluster Home." Popularized in Washington, these permit smaller homes in groups, but require a higher degree of scrutiny in exchange for the right to build several smaller (tiny) homes. Exposed wheels on cottage and tiny homes were discussed, but the agreement was to continue to require their concealment. In the end there were very few changes required outside the addition of the cottage home provisions.*

The following revisions are proposed in this code update to address tiny homes:

- a. *The minimum size for a mobile home has been deleted from section 9-07.02-20.*
 - b. *The Cottage Housing provisions were added to help address larger tiny home village-style projects, largely based largely on samples from Washington.*
2. The Downtown Zone currently permits a Single Family (existing) home but has no standards for single family residential homes. *See Section 9-01.03-50.D, Downtown Zone. A simple one sentence addition was made to require any single family home to use the standards from the R zone.*
3. Porch and patio standards have been added to a new Section 9-01.14-60. *These edits include adding definitions of Porch, Patio, and Deck in the definitions section. Section 9-01.14-60 has clarified standards for a porch, patio, covered entry and deck. There has been confusion about setbacks for these outdoor additions, even more confusion when you discuss the difference between attached and detached. Standards have been added to clarify setbacks for attached and detached porches and decks. See 9-01.13-60 for details.*
4. 24' driveways have historically been required, but were not required in the Code. *A requirement for such has been added. The Commission wanted to be careful about how this was worded, so the section requires a parking area, typically called a driveway. They wanted a home with no garage to still provide a parking area. See Section 9-01.03.C, 9-01.03-20.C, 9-01.03-30.D.*

5. Clarification has been added regarding setbacks of accessory structures in residential zones. *Standards have been added to clarify that setbacks for a detached accessory structure is 5 feet from any property line except the front where the setback matches the primary use (20 feet). See Section 9-01.03.C, 9-01.03-20.C, 9-01.03-30.D.*
6. The Code currently has no Street Vacation criteria or processing standards. Both have been proposed. *The City has been using criteria that was not from the code. This revision proposes to use the same criteria and processes that we have been using, but having them be an actual code requirement. The State has processes as well, and criteria; however the State ORS specifically explains that Cities can create their own. See new Section 9-01.12.*
7. The text change proposes to add clarity to parking uses that are not listed in the parking standards. *Currently the Planning Commission is the only body that can approve any parking for uses not specifically listed. This is hard for case types that do not normally go to the Planning Commission, like Type I or II permits. As proposed, the Planning Commission would determine standards for Type III and IV applications, planning staff would be able to determine parking totals for non-listed uses in Type I and II permits. See Section 9-01.04-50 Parking and Loading Requirements.*
8. Section 9-01.11-20 Public Notice and Coordinated Review has deadlines for submission to the Department of Land Conservation and Development featured outdated submittal deadline dates. *This has been updated from 45 days to 35 pursuant to changes in State Code. See Section 9-01.11-20.A.*
9. The text change proposes to remove all minimum lot dimensions in residential zones. This would keep the minimum lot size requirements (5,000 square feet for the Residential Zone) but remove the minimum dimension requirements (50' X 100' for example) as these are difficult to administer in the City of Vernonia. *See Section 9-01.03.C, 9-01.03-20.C, 9-01.03-30.D. As shown they are simply deleted.*
10. Section 9-07 Manufactured Homes currently explains that Manufactured homes are permitted to use a 3:12 roof pitch, however, it also says all manufactured homes must follow all zoning rules of the base zone. The residential zones require a roof pitch of 4:12. *Updates are proposed to revise all residential zones to clarify that Section 9-07 should prevail regarding slopes on manufactured homes. See Section 9-07.02-20.A.1.j.*
11. The 'display' of vehicles has been clarified to be not permitted in parking areas. *The display of vehicles means vehicles that are for sale. The parking lots were approved for the use of patrons. The number of spaces required, in theory, is tied to the number needed for the use. If the spaces are being used for the display of vehicles, that is a totally separate use (vehicle sales) and it also takes up spaces intended for patrons of the business. "Storage" of vehicles is already not permitted, but this change adds display to the list. See Section 9-01.04-50.D. The change adds one word.*

12. All [brackets] have been removed from zone headings.
13. The PUD Section has been revised to require a Final PUD to be processed with the Change of Zone after approval of a Tentative PUD and make the City Council the final authority. *The current code forced a CC approval to be remanded to the PC. Most jurisdictions process PUD's in two steps, a preliminary PUD plan, and then a final PUD. This affords a more realistic process as some details can be decided after the applicant knows they have approval, but leaves the PC/CC another chance to see the final product. The final PUD is tied to a zone change process that was already in the code. The current version of the code was not clear on when or how to process a final PUD plan. The required remand to the Commission was also complicated and not needed. The section has been clarified. See Section 9-01.03-80.*
14. The text change proposes to add a maximum of 2 permit extensions (two years each) for all Type 1 and 3 permits in Section 9-01.10-70.E, for PD's in Section 9-01.03-80, for CUP's in Section 9-01.06.50, and variances in section 9-01.08-40. Currently there are unlimited extensions permitted.
15. The proposed text change clarifies the complicated topic of building over lot lines. *The Commission spend a great deal of time on this issue. This is something that has been permitted in Vernonia. The Commission vacillated between allowing it with just an agreement to simply saying no and requiring a property line adjustment to eliminate the lot line entirely. The Commission finally agreed to allow building over lot lines pursuant to a Type I application (a staff level review) and if approved by staff, an agreement would be required to be signed by the applicant indicating that they cannot sell the two lots separately and that the two lots are considered one for planning purposes. The County Surveyor has indicated he is comfortable with this process. See new Section 9-01.10-90.*

II. Text Amendment Review Criteria, Procedures and Findings

A. Section 9-01.09.10 Authorization to Initiate Amendments. An amendment to the text of Title 9 Land Development and Zoning Code may be initiated only by the City Council, the Planning Commission, the property owner or an authorized agent of the owner.

FINDING: The City finds that the Ordinance amendment was initiated by the City.

B. Section 9-01-09.20 Public Hearings on Amendments. The Planning Commission shall conduct a public hearing on the proposed amendment. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.

FINDINGS: The City finds that the Planning Commission has held three public hearings on July 19, 2018, June 16, 2018, and September 20, 2018. The Planning Commission has recommended approval and has forwarded their recommendation to the City Council. A public hearing before the City Council has been scheduled for October 2018.

C. Section 9-01.09.70.c Decision Criteria for Text Amendments. Amendments to the Development Code text shall be approved if the evidence can substantiate the following:

1. Impact of the proposed amendment on land use and development patterns within the City, as measured by.

a. Traffic generation and circulation patterns in compliance with the Transportation Master Plan;

FINDINGS: The City finds that the nature of the subject amendments are related to new standards for different sized dwellings, small code updates that do not effect traffic, and a new section introducing standards for Street Vacations. While street vacations may have the ability to impact traffic and the Transportation System Plan (TSP), the changes proposed will still require each street vacation to go through a public hearing process where the proposed vacation will be reviewed by staff and the Council for compliance with these requirements. This proposed code update will make it clear that these are required, therefore this change will not impact traffic or the TSP in and of itself. The proposed code modifications will not change the TSP, the functional classification of any existing or planned transportation facility, or increase the level of travel on city streets, or reduce or worsen the performance of a transportation facility.

b. Demand for public facilities and services, in compliance with the City Utility Master Plan;

FINDINGS: The City finds that the proposed code updates primarily deal with tiny homes and street vacation requirements. The revision only eliminates the minimum mobile home size requirement and adds the ability to construct cluster tiny-home developments. However, key to this question is that the density allowance is not proposed to change. This means that any new tiny homes will be built consistent with existing master plans for storm water, flood, water, streets and sewer. Therefore, the tiny home proposed changes are compliant with all master plans.

The street vacations, as was previously noted, will require hearings for each independent change. The changes are essentially mirroring the current State requirements. The State requires standards and criteria if the City has not adopted their own. The proposed text changes will allow these requirements to be within the City code, thus protecting the City against possible State changes in the requirements for street vacations. The proposed criteria and standards will be reviewed on a case by case basis when they are submitted. There is nothing in the criteria or standards that conflicts with the existing master plans.

The other proposed changes are small updates fixing typos or clarifying standards. None will alter density or create any changes that would impact utilities.

c. Level of park and recreation facilities;

FINDINGS: The City finds that the proposed changes to the sections that permit tiny homes will not permit an increase in the density already used as the basis for parks and recreation facility needs. The level of parks required is determined in the Comprehensive Plan and Parks Master Plan, these are all based on the projected population of the City. That projection will not be changed, this revision would simply allow smaller units on the same lots that exist or were planned. As such, there will be no impacts to parks or recreation facilities.

The street vacation requirements will not result in changes to the park and recreation facilities. Any request to alter streets needed for access to existing parks will be reviewed at the time those changes are proposed.

The other proposed changes are small updates fixing typos or clarifying standards. None will impact the parks or recreation facilities.

d. Economic activities:

FINDINGS: The City finds that the proposed revisions will have no negative impacts on economic activities in the City. The addition of cottage provisions may allow more small (tiny) homes in the City which may help aid in the tourism goals of the City, having a positive economic outcome. The cottage provisions will not allow homes (cottages or otherwise) where they were not already permitted today. The street vacation changes only clarify what has been the process for some time.

e. Protection and use of natural resources:

FINDINGS: The City finds that the proposed revisions have no impact on identified natural resources in the City. All the current environmental regulations that apply to a standard home will still be required on cottage homes. All other proposed code changes are small clarifications that will not impact the environment.

f. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.

FINDINGS: The City finds that the proposed revisions have no impact on special purpose plans in the City. The proposed changes are small clarifications and do not result in wholesale changes, including any special programs.

2. A demonstrated need exists for the product of the proposed amendment.

FINDINGS: While processing applications through the City procedures, small code errors, the lack of detail, or inconsistencies, became apparent. Staff maintains a list of these. The need is apparent, as these modifications to the code are identified by staff as needed to rectify the procedural complications that arise without these modifications. Making these needed corrections will help the City process applications and enforce the code requirement more

efficiently. Regarding the addition of the cottage home provisions, the Planning Commission requested that staff analyze and review the current code processes and barriers that may be preventing people from using tiny homes in the City. This request was partially based on members of the public asking about the ability to use tiny homes in Vernonia. The proposed code modifications will address a need to facilitate the use of tiny homes in the City.

3. The proposed Amendment complies with all Statewide Planning Goals and administrative rule requirements.

FINDINGS: The City Comprehensive Plan is designed to implement the State Goals in the City of Vernonia. Compliance with the Comprehensive Plan shows compliance with the State Goals. The proposed changes are fully consistent with the City Comprehensive Plan, and acts to implement the policies and procedures of the Plan. Having that said, an analysis of the pertinent Goals are discussed below.

- a. Goal 1- Citizen Involvement. The City has found that nine advertised workshops were held in front of the Planning Commission and publically noticed the hearings for both Planning Commission and City Council. Adequate public involvement was achieved.
- b. Goal 2- Land Use Planning. The City finds that the proposed amendments to the Code are intended to improve administration and clarify standards for the public.
- c. Goal 5- Natural Resources, Scenic and Historic Areas, and Open Space. The City finds that creating clarification through the proposed code modifications will help assure appropriate City administration of the permits, and allow smaller, more affordable homes that will have less impact to the home sites. The effect will limit the amount of land used for the actual homes. This will benefit the natural and scenic resources. All other proposed changes are small in scope and will not impact any resources.
- d. Goal 7- Areas subject to Natural Hazards. The City of Vernonia has a long history of flooding. All safety provisions that apply to traditional single family homes will apply to cottage homes as well. The other code modifications will not impact natural hazards.
- e. Goal 10- Housing. The City finds that allowing the use of smaller residential units (cottage homes or tiny homes) reduces the cost of housing and makes it easier for more people to afford housing. The proposed changes to the code will reduce barriers to more affordable housing while not altering the density of the City. The other changes to the code will not impact the access to housing. Some housing standards are being introduced, and criteria to street vacations. These clarifications should not alter access to housing. The proposed changes are consistent with, and implements Goal 10.

4. The amendment is appropriate as measured by at least one of the following criteria: it corrects an error; it is the logical implementation of a city plan; it is mandated by federal, state or local law, or it is deemed by the City Council to be desirable, appropriate or proper.

FINDINGS: The City finds that the proposed amendments meet many of these requirements. Some address error's in the code, such as incorrect references, or proposes to add standards and requirements where there were none previously. Some, such as the cottage home provisions help implement the Comprehensive Plan, by bring more affordable housing, geared towards promoting tourism, to the City. Other changes will create new process for building over lot lines. This criterion is met.

D. Section 9-01.10-50 Type IV Procedures and Findings for Legislative decisions

FINDINGS: The proposed ordinance amendment was noticed pursuant to all City rules and requirements. The code requires that:

- a. There shall be a minimum of two hearings, one before the Planning Commission and one before the City Council. There were a total of three hearings and nine workshops before the Planning Commission and at least one before the City Council.
- b. Newspaper notice is required 10 days prior to the Planning Commission hearing and 14 days prior to the City Council hearing. Both were noticed pursuant to these requirements. The City finds that notice was published in the newspaper of general circulation on July 3, 2018 prior to the July 19 Commission hearing and in October of 2018 for the City Council hearing.
- c. Notice shall be provided to the Department of Land Conservation and Development at least 35 days prior to the initial hearing. The DLCD was noticed prior to the first hearing and has been updated continuously since then. The City finds that notice was provided to the DLCD on or before June 6, 2018. The City Council version of the draft code changes were submitted to the DLCD on October 18.

III. RECOMMENDATION (Also a sample motion)

Based on the proposed amendments attached and the findings in this report, Staff recommends the Council approve PA 17-02 Proposed Amendments to revise Chapters 9-01 and 9-07 of Title 9 to address cottage homes, street vacations and several other small code text updates, as modified by the Commission and Adopt Ordinance No. 918 (on the same night) to implement the revision to the code. Such requires a unanimous vote.

ORDINANCE No. 918

AN ORDINANCE OF THE CITY OF VERNONIA AMENDING TITLE 9 CHAPTERS 9-01 AND 9-07

The City of Vernonia Ordains:

WHEREAS, in 2017 the Planning Commission requested revisions to Title 9 to:

- allow for tiny homes (cottage homes) in the City of Vernonia to help address affordability and add the ability to further the City's tourism;
- to add street vacation criteria and processes to the code;
- to make several other small changes deemed necessary by the Planning Commission and staff; and,

WHEREAS, the City Council is entrusted by the development code to make decisions on legislative matters that require application of high levels of discretion; and,

WHEREAS, the Planning Commission held three hearings in the Council Chambers of City Hall regarding File PA17-02 the proposed revisions of Title 9 Chapters 9-01 and 7 on July 19, 2018, June 16, 2018, and September 20, 2018 and made a recommendation of approval as modified by the Commission in accordance with Title 9 Section 9-01.09 Text Amendments; and,

WHEREAS, the City of Vernonia City Council held a public hearing on November 5, 2018, conducting a first and second reading on the same night in the Council Chambers of City Hall to consider the revisions to Title 9 Sections 9-01 and 7 in accordance with Title 9 Section 9-01.09; and,

WHEREAS, no objections were filed with the City Recorder but all comments were heard and considered at the public hearings; and the public will benefit from the new Cottage Provisions and increased clarity in all code areas proposed for revisions in Title 9; and,

WHEREAS, the Vernonia City Council upon consideration of all testimony, comments, the staff reports and findings for File PA 17-02, determined the amendments to Title 9 Sections 9-01 and 9-07 of the Vernonia Municipal Code are appropriate and necessary to better achieve the goals and policies of the City's Comprehensive Plan;

NOW THEREFORE, the City Council of Vernonia does ordain as follows:

Section 1. The City does hereby adopt the amendments to Title 9 Sections 9-01 and 7 according to the text attached as Exhibit A; and,

Section 2: Under the provisions of the City of Vernonia Charter of 1998, Chapter VIII, the City Council finds it may provide two readings at the same hearing and that this ordinance may take effect in 30 days from the date of decision; and,

Section 3 Council Clerk's Duties: The Council Clerk is hereby directed, upon its adoption and authentication, to number this Ordinance as the next adopted ordinance of the City of Vernonia.

(Must read in full if requested)

First reading as read by title only this 5th day of November, 2018, by the following vote:

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____

Second reading adopted as read by title only for a second time and passed this 5th day of November, 2018 by the following vote:

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____

Signed by me, Mario Leonetti, Mayor in authentication of its adoption this 5th day of November, 2018.

Mario Leonetti, Mayor

Attest: _____
Stephanie Borst, City Recorder



Please join the City of Rainier in supporting our Rainier Senior Center
by attending the City/County Dinner

When: Tuesday, November 27, 2018 at 6:00 p.m.

Where: Rainier Senior Center
47 West 7th Street, Rainier, OR 97048

Choice of Dinner: Lasagna or Herb Encrusted Pork Loin with Dijonnaise Sauce

Dinner includes: Mixed Salad with Raspberry Vinaigrette Dressing
Potatoes Au Gratin
Broccoli
Garlic/Parmesan Roll

Dessert: Egnog Cheesecake
Beverages: Iced Tea, Coffee, Tea and Water

Cost: \$20.00 includes gratuity. Payment can be mailed ahead of time or paid the night of the dinner. *(Please have your check made out to the City of Rainier, P.O. Box 100, Rainier, OR 97048)*

AGENDA:
Welcome and Introductions
Guest Speaker
Federal and State Reports
City and County Reports
Adjournment

Please RSVP by Friday, November 16, 2018 by email to cpurkey@cityofrainier.com with names of attendees from your agency and main course dinner selection.