



City of Bay City

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AGENDA BAY CITY PLANNING COMMISSION MEETING October 16, 2024 5:30 P.M.

1. CALL TO ORDER – 5:30 P.M
2. MINUTES
 - a. Planning Commission Meeting Minutes September 18, 2024.
3. VISITORS PRESENTATION
 - a. None.
4. UNFINISHED BUSINESS
 - a. None.
5. NEW BUSINESS/PUBLIC HEARING
 - a. Review of Conditional Use Permit (CU-2024-03) for TEP Science Center at 7855 Warren St.
6. OTHER
 - a. Review of Proposed Ordinance #710
 - Review of proposed changes to Planning Commission Rules Sect 1.02.010;
 - Review of proposed Bed and Breakfast definition;
 - Review of Short-Term Rental Distance Requirements;
 - Review of Bed and Breakfast Number of Guest Bedroom Requirements;
 - b. Introduction of Comparative Review of State Rules (SB 406) and City Development Code
7. PLANNING COMMISSION, CITY COUNCIL AND CITY PLANNER CONCERNS
 - a. September City Planner Monthly Reports
8. ADJOURNMENT

To attend by phone: (518) 992-1125 Access 389573#

Minutes:

September 18, 2024



BAY CITY PLANNING COMMISSION MEETING MINUTES
September 18, 2024, 5:30 P.M.

- 1. Call To Order** – Commission Member Gary Frey called the meeting to order at 5:31 P.M. He asked City Planner for a roll call.

City Planner David Mattison read roll call. All were present.

Commission Member Frey stated that this was his last month as facilitator. He asked Commission Member Penny Eberle if she would like to be the facilitator.

Commission Eberle declined the offer.

Commission Member Frey asked if Commission Member Jasper Lind would like to be the next facilitator.

Commission Member Lind accepted the offer.

- 2. Minutes** – The minutes for the August 21st, 2024 meeting were presented for review.

Commission Member Frey asked if there were any comments on the minutes..

Commission Member Pat Vining stated that there are a number of short-term rentals in town and requested the addition of his request for a Short Term Rental list to the minutes. He asked about the location of short-term rentals in town.

City Planner presented the GIS map and short-term Rental locations online.

Further discussion followed.

Commission Member Frey stated the short-term rental ordinance fails the City citizenry and presented his concern with the proximity of a number of short-term rentals.

Council Liaison Tom Imhoff identified the block face and distance between short-term rentals.

City Planner identified new Council interpretation of block face and distance between short-term rentals.

Further discussion followed.

Commission Member Frey requested a change in Bed and Breakfast discussion.

Commission Member Frey asked if there were any other comments.

A motion was made by Commission Member Eberle to approve the August 21st minutes with requested changes. The motion was seconded by Commission Member Dan Overholser.

The motion was approved unanimously.

3. Visitors Presentation

There were no Visitors Presentations.

4. Unfinished Business

There was no Unfinished Business.

5. New Business/Public Hearings

There was no New Business or Public Hearing.

6. Other

a. Review of Firewise Guidance/ Requirements .

Commission Member Frey presented his understanding of the state firewise guidance progress and by the end of the year they will have news laws for home hardening and firewise requirements.

Further discussion followed.

Commission Member Frey recommended the City postpone decision until state rules are adopted.

Commission Member Lind commented on required firewise standards and the OSU fire risk map.

City Planner stated that changes for firewise standards will not only have to be integrated into code changes, but Comprehensive plan changes as well.

b. Review of Proposed Online Instructions.

City Planner presented the latest draft of the instructions.

Commission Member Vining stated he appreciates the effort and helping citizens.

Further discussion followed.

c. Review of Type II Land Use Process.

City Planner presented the Type II Land Use process. He identified the three Type II cases that occurred within a short period of time. He identified the number of land use issues covered as a Type II land use in the matrix. He talked about the state recommendations for middle housing to be handled administratively. He talked about how the process was successful for the Type II request.

There was discussion on the appeal fee for a Type II notice and the authority of manager to make an adjustment to the fee.

Commission Member Frey asked if the City had to allow for Middle Housing. Is there a law requiring Middle Housing by the State?

City Planner affirmed that Middle Housing is required.

Further discussion followed.

7. Concerns

City Planner presented the date of the Town Hall Meeting regarding the FEMA BiOP Pre-Implementation Compliance Measure – September 28th.

Further discussion followed.

City Planner presented the Middle Housing Audit for SB 406.

Further discussion followed.

Commission Member Eberle presented an issue with the road approach improvements and sign-off by the County.

City Planner described the process, what happened in the past and what currently occurs.

Commission Member Frey stated that the paving requirements are identified on the application.

Further discussion followed.

8. Adjournment

A motion was made by Commission Member Overholser to adjourn the meeting.

The motion was seconded by Commission Member Vining.

The motion was approved unanimously.

The meeting was adjourned at 6:51 p.m.

Acknowledged:

Dan Overholser, Chair

Date Signed

New Business:

**Conditional Use Permit #CU-2024-03, to develop the
TEP Estuary Science Center 7855 Warren Street.**



City of Bay City

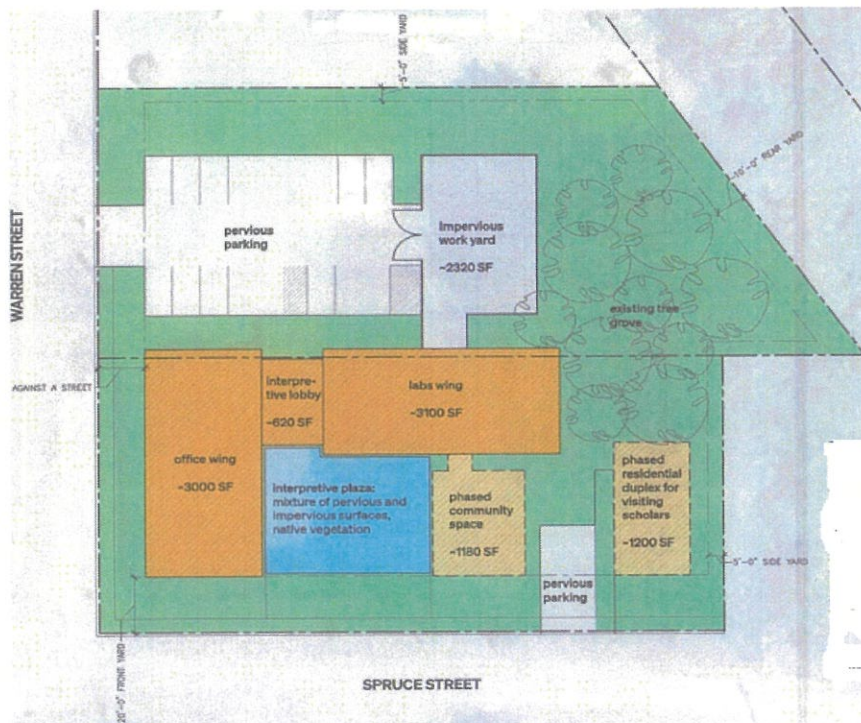
Conditional Use Permit CU-2024-03 Staff Report

To: City of Bay City Planning Commission
From: David Mattison, City Planner
Applicant: Tillamook Estuary Partnership (TEP)
Title: Request for development of a TEP Estuary Science Center on the subject property.
Case File #CU-2024-03

Nature of the Application:

The applicant is requesting to develop a 'Science Center' at property located east of Warren Street, north of Spruce Street at 7855 Warren Street, Bay City, OR 97107, legally described as 1S1002CC Tax Lot 100, and 1S1002CC Tax Lot 1800, in the Shorelands 3 (SL3) Zone. The off-street 10 vehicle parking areas are proposed to be pervious..

A second phase of development onsite includes community space and a residential duplex for visiting scholars.



Relevant Facts:

The following is a summary of the facts and testimony found to be relevant to this decision.

- 1) **PROPERTY LOCATION:** The property (two tax lot) is located east of Warren Street, north of Spruce Street at 7855 Warren Street, Bay City, OR 97107, legally described as 1S1002CC Tax Lot 100, and 1S1002CC Tax Lot 1800.
- 2) **LOT SIZE:** Tax Lot 100 and Tax Lot 1800 have an area of approximately 41,382 sq ft. (0.95 acres). The proposal will utilize 2 tax lots.
- 3) **ZONING DESIGNATION:** Shorelands 3 (SL3)

- 4) **EXISTING CONDITIONS/STRUCTURES:** Half of the subject property is vacant with a pad from a previous structure and the other half is occupied by a singlewide manufactured home. There are tall spruce trees located on the east side of the subject property.
- 5) **DEVELOPMENT CONSTRAINTS:** The property is generally level (0 – 4% slope). Therefore a Geologic Hazard Report is not required. The use of both tax lots (Tax Lot 100 and 1800) will require a combination of lots so that all setbacks area met.



Aerial View of Subject Property – looking NE



View of Subject Property – looking SE

- 6) **SURROUNDING LAND USE:** The subject property is adjacent to the Kilchis Trail, north of Spruce Street, east of Warren Street.

The surrounding properties are zoned SL3. They include Single-family dwellings and Sheltered Nook (a short term rental complex) to the north and west; Kilchis Trail to the south; POTB Rail road ROW and Hwy 101 to the east.



Relevant Criteria:

1) The Bay City Comprehensive Plan: Land Use Category – Shorelands 3 Zone (SL3):

SHORELAND 3 ZONE

The Shoreland 3 Zone area occupies land that is west of the US Highway 101 right-of-way, south of Tillamook Avenue, to the South City Limits. Vehicular access from the area to US Highway 101 is provided by Warren Street. The Shoreland 3 Zone is located adjacent to estuaries and includes wetlands associated with Goose Point and Kilchis Point. The land is suitable for residential development and for non-residential development where it is determined to be compatible with development standards. The Tillamook County Pioneer Museum operates Kilchis Point Reserve here. The City wastewater treatment plant, sewage treatment lagoons, and public works offices and shops are located here.

The Bay City Comprehensive Plan Goals and Policies

GOAL I: TO MAINTAIN A HIGH QUALITY OF LIFE IN KEEPING WITH THE NATURAL ENVIRONMENT.

- POLICY 1: The Plan and City ordinances shall promote development that complements and protects the Bay City environment.
- POLICY 7. The City shall promote the use of natural topography, native vegetation and retention of trees, compatible with development, through the City's Development Ordinance in both public and private development.

GOAL IV: TO SUPPORT THE EFFORTS OF TILLAMOOK COUNTY IN ATTRACTING INDUSTRY WHICH IS COMPATIBLE WITH THE ENVIRONMENT AND IS SUPPORTIVE OF THE NATURAL RESOURCES AND CULTURE OF THE AREA.

- POLICY 3. Protection of the existing quality of air, water, and land should be assured prior to the establishment of any new industry in the area.

Additional POLICIES applicable to the Shoreland 3 Zone are:

- a. The Shoreland 3 Zone allows other uses on a conditional use basis subject to specified performance standards. Performance standards are intended to separate non-compatible uses and, where appropriate, to reduce the overall intensity of use while allowing flexibility in development.
- b. All development except for single family dwellings, duplexes, accessory uses, and home occupations are to be reviewed by the City Planning Commission to ensure that they meet the following guidelines:
 1. Public utilities and streets have the capacity to support the proposed use or improvements necessary for the use are to be provided.
 2. The use does not impair the scenic value of the waterfront or block existing public access to the water for recreation purposes.
 3. The use is consistent with specified performance standards.
 4. The use is consistent with the Bay City Comprehensive Plan.

2) Bay City Codes, Chapter 10.10.020 Setback Requirements

- Setbacks from lot lines shall be: 20 ft front yard, 10 ft rear and 5 ft side
- In the case of a yard abutting a street, with the exception of the front yard, the street yard setback shall be 15 feet and the rear yard setback, with the exception of a rear yard abutting a street, may be reduced to 5 feet.

3) Bay City Codes, Chapter 10.10.050 Clear Vision Areas

- A clear vision area shall be maintained on the corners of all property at the intersection of two streets, or a street and a railroad. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, except for trees with branches and foliage removed to a height of eight (8) feet above the ground and opened wire fencing that does not obscure sight more than 10%.

4) **Bay City Codes, Chapter 10.10.070 Off Street Parking.**

- Section 10.10.072.A. Off-Street parking requirements for office (1 space /600 sq ft) and meeting rooms (1 space per 400 sq ft) and duplex (1 per unit).
- Section 10.10.072.B. Bicycle parking requirements shall apply to all developments that require a site plan.
- Section 10.10.072. 2.b. There shall be a minimum of one bicycle space for every seven (7) motor vehicle spaces. At least ten percent (10%) of all bicycle parking spaces shall be sheltered.
- Section 10.10.074. Off-Street Parking Design Requirements. Whenever off-street parking is required, the parking area and space shall be designed, constructed, and maintained in accordance with the following minimum provisions and standards:
 1. All parking spaces shall be clearly striped.
 2. All parking spaces shall have access from an aisle in the parking area.
 3. Bumper stops, curbing, or wheel chocks shall be provided.
 4. The surface of the parking area shall be either asphalt or other suitable all weather material.
 5. Full sized spaces shall be 9 ft x 18 ft; compact spaces shall be 8 ft x 16 ft.
 6. Parallel parking spaces shall be 9 ft x 18 ft, plus a 6 ft maneuvering space.
 7. All parking areas shall have access 22 ft wide if for two-way traffic; not more than 25 ft wide.
 8. Landscaping shall be provided at the entrances to the parking area aces in order to visually separate the area from the street. A landscaped buffer shall be installed adjacent to all buildings and property lines, and shall be continuously maintained.

5) **Bay City Code, Chapter 10.11.050 Public And Civic Uses**

B. Meeting Halls, Churches, and Schools

- The hours of operation of meeting halls and churches shall be controlled so as not to disrupt surrounding residential uses.
- Meeting halls, churches, and schools shall be designed in a manner which is compatible with the surrounding neighborhoods in terms of height, bulk, and maintenance of existing vegetation.

6) **Bay City Codes, Chapter 10.15.040 Conditional Use Considerations**

In permitting a new conditional use or the alteration or extension of an existing conditional use, the Planning Commission shall use the following considerations in review of applications:

- A. Conformance with the goals and policies of the Comprehensive Plan and the standards and policies of the zone.
- B. Compatibility of the conditional use with the surrounding area or neighborhood in terms of lot size, building height or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise, or hours of operation.

7) As per the Conditional Use Application Form (for those not listed in these other sections);

- A. Demonstrate that a demand exists for the use at the proposed location. The factors which should be considered in describing whether or not a demand exists include: accessibility for users (such as customers and employees); the availability of similar existing uses, and any other appropriately zoned sites – particularly those not requiring conditional use approval are not appropriate.
- B. Demonstrate that the site has an adequate amount of for any required yards building, drives, parking, loading and unloading area, storage facilities, utilities or other facilities which are required by the development code or are desired by the applicant.
- C. Demonstrate that the topography, soils and other physical characteristics of the site are appropriate for the use.

8) **Bay City Codes, Chapter 10.15.050 Construction Of A Conditional Use**

Work shall commence within six months of the granting of a conditional use permit. Upon application, the Planning Commission may grant one six-month extension.

9) **Bay City Codes, Chapter 10.15.080 General Conditional Use Standards** The following conditional use standards shall apply to all activities listed in the Use Matrix as a conditional use:

a. Traffic Generation Standards

- 1) Uses with high traffic generation, as determined by the Planning Commission using acceptable traffic generation documents, shall be located in the high intensity areas of the City or within 100 feet of the intersection of two arterial streets.
- 2) Uses which would generate moderately greater traffic volumes than residential uses occupying the same land area at allowable densities shall be located on arterial streets.
- 3) Uses which would generate no more traffic than a residential use occupying the same land area at allowable density levels (calculated without bonus density) may be located on residential or collector streets.

b. Public Facility and Services

- 1) Public facilities and services, including sewer, water, storm drainage, fire protection, electrical service, and schools shall have adequate capacity to serve projected needs of the proposed conditional use.
- 2) The person(s) requesting the conditional use permit shall be responsible for all costs associated with the extension of public facilities or services, including system improvement charges.

c. General Environmental Standards

- 1) No noise, smoke, heat, odor, fumes, dust, glare, vibration, or water pollution shall be detectable beyond the property line of the proposed use, except for occasional maintenance such as lawn care or for normal emissions such as from wood burning stoves or fireplaces. Glare from street lights or floodlights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property.
- 2) Goals and Policies of the Comprehensive Plan and other Standards of this Ordinance shall be adhered to in the granting of Conditional Uses.

Findings:

The Planning Staff Finds:

1. The property is adjacent to the Kilchis Trail and single-family residential units in the Shorelands 3 Zone (SL3). The applicant and staff expect there will be no adverse impact to these surrounding properties.
2. An interpretation of the City Comprehensive Plan and City Codes, Chapter 10, allows the applicant to construct an interpretative center, in the SL3 zone district, through a conditional use permit process.
3. Public facilities, include water, sewer, and electrical service; and the property will have adequate capacity to serve the proposed use of the proposed conditional use.
4. The applicant has provided a site plan that identifies the following:
 - a. Site location.
 - a. Common open space.
 - b. Building activity arrangement.
 - c. Off-Street parking.
 - d. Existing landscaping and vegetation.
5. The arrangement of the off-street parking area is clearly identified – 10 spaces located on the north side of the subject property, 2 spaces located on the south side of the subject property.
The parking spaces shall be clearly striped, have bumper stops, curbing, or wheel chocks, have landscaping at the entrances to the parking area, adjacent to all buildings and property lines.
6. The location of 2 bicycle parking spaces will need to be clearly identified on the site plan.
7. The proposed height is less than 24 feet and meets the required height.
8. The applicant provided the following information for the requirements listed in Chapter 10.10.010:
 - a. Development is shown to occupy 31% of the subject property, less than 40% of the subject property with impervious surface.

- b. Open space is proposed to exceed 10% of the property.
 - c. Landscaped Area exceeds 10% of the total lot area.
9. The applicant provided the following information for the requirements listed in 10.10:
- a. The structure locations onsite as shown on the plans meet the setback requirements.
 - b. The proposed buildings and their entrances are oriented to the street.
 - c. Off-street parking has been oriented to the property layout.
10. The generation of traffic will not require additional improvements on Warren Street.
11. The following responses to the criteria for a Conditional Use Permit have been provided:
- a. Conformance/Consistent with the Goals and Policies of the Comprehensive Plan and the Standards and Policies of the Zone:

As stated in the application and in the City Comprehensive Plan, the Shorelands 3 Area is suitable for non-residential development where it is determined to be compatible with development standards. The subject property is adjacent to single-family residential development and some non-residential uses. The Tillamook County Pioneer Museum operates Kilchis Point Reserve south of the subject property.

The Shoreland 3 Zone allows for non-residential uses on a conditional use basis subject to specified performance standards. Performance standards are intended to separate non-compatible uses and, where appropriate, to reduce the overall intensity of use while allowing flexibility in development.

The applicant has identified that this development complements and protects the Bay City environment with its low impact development and location of the property, with no industrial emissions, setback compliance, preservation of the existing landscape (cedar trees), use of native vegetation and protection of the existing quality of air, water, and land.

All development except for single family dwellings, duplexes, accessory uses, and home occupations are to be reviewed by the City Planning Commission to ensure that they meet the following guidelines:

1. Public utilities and streets have the capacity to support the proposed use or improvements necessary for the use are to be provided. The City utilities and existing streets (Warren and Spruce) appear adequate, as they meet City standards, for the proposed development.
2. The use does not impair the scenic value of the waterfront or block existing public access to the water for recreation purposes. The proposed development will not impair scenic value of the waterfront or block access to the Bay.
3. The use is consistent with specified performance standards. The proposed use appears consistent with the standards identified in these findings.
4. The use is consistent with the Bay City Comprehensive Plan. The proposed use appears to be consistent with the Comprehensive Plan standards listed above.

According to the applicant, this project will be the headquarters of the TEP whose mission statement is "dedicated to the conservation and restoration of Tillamook County's watershed through active stewardship, scientific inquiry, community engagement and education." This will be the headquarters of the TEP, a laboratory and an interpretive area for visitors. They plan to COLLABORATE WITH Kilchis Point Reserve to enhance the visitors' experience. The laboratory will allow testing and analysis of water quality indicators such as bacteria and temperature. Monitoring water quality and other indicators will help address seawater rise and ocean acidification.

This building is proposed to be one-story. The property is large enough for the headquarters, laboratory, interpretive area, community space, a duplex and parking as is shown on the proposed site plan, with more than adequate open space and retention of the native trees. TEP owns and operates a native plant nursery

and will landscape the property with native plants. The site will be screened and buffered with landscaping. The property will have operating hours Mon – Thurs 7:00-5:30, closed during evening hours.

TEP has proposed design around the trees with removal of the blackberries and landscaping with native plants. They are proposing to tie the entrance of the proposed center to the KPR entrance. TEP has a staff of 16 which work a hybrid schedule – some at home, some at the office – including biologists, education instructors, scientists, project managers and administrative staff. Phase 2 of development includes a duplex for visiting scholars.

These criteria have been met.

- b. Compatibility of the use with the surrounding area or neighborhood in terms of lot size, building height or bulk, traffic circulation, parking, provision of signs, buffering, screening, landscaping, open space, control of smoke, glare, noise, and hours of operation.

According to the applicant, the proposed development is adequate for the site. The landscaping will add screening of the developed site. The entrance to the building will face KPR, away from the single-family dwellings. The property will have operating hours Mon – Thurs 7:00-5:30, closed during evening hours. It appears that there will be no smoke, glare, or noise onsite.

This criterion has been met.

As per the Conditional Use Application Form:

- a. Demonstrate that a demand exists for the use at the proposed location. The factors which should be considered in describing whether or not a demand exists include: accessibility for users (such as customers and employees); the availability of similar existing uses, and any other appropriately zoned sites – particularly those not requiring conditional use approval are not appropriate.

According to the applicant, TEP is looking for a site for the new headquarters. This site is large enough to meet the needs of TEP and meet the requirements of the City's development code. This project will be designed to meet the ADA requirements for public spaces and parking. TEP's mission is to improve watershed health through stewardship, scientific inquiry, community engagement and education. The proposed interpretive area is an opportunity to tell the story of Tillamook estuaries and surrounding land and water with partners and the greater community. This fits well with the adjacent KPR and TEP sees an opportunities to enhance the visitors' experience with a partnership with KPR and TEP.

This criterion has been met.

- b. Demonstrate that the site has an adequate amount of space for any required yards building, drives, parking, loading and unloading area, storage facilities, utilities or other facilities which are required by the development code or are desired by the applicant.

According to the applicant, the site is flat, 0.95 acres. The lot coverage is less the 40%. The off-street parking areas are proposed to be pervious. The applicant proposes to retain the large trees onsite.

This criterion has been met.

- c. Demonstrate that the topography, soils and other physical characteristics of the site are appropriate for the use.

According to the applicant, the property is generally level, large enough and therefore is appropriate for the proposed use.

This criterion has been met.

As per Section 10.15.080, General Conditional Use Standards;

- a. Traffic Generation.

No greater traffic generation is expected. The size of the proposed structure and the facilities are adequate for the proposal.

b. Public Facilities and Services.

According to the applicant, the proposed project will not create excessive traffic congestion on the street, nor overburden the water, sewer, storm drainage, electrical, fire protection, and schools.

c. General Environmental Standards

- The topography, soils, and other physical characteristics of the site are appropriate for the use.

The property is generally level with a slope of 0 – 4%.

- No noise, smoke, heat, odor, fumes, dust, glare, vibration, or water pollution shall be detectable beyond the property line of the proposed use, except for occasional maintenance such as lawn care or for normal emissions such as from wood burning stoves or fireplaces. Glare from street lights of flood lights shall be shielded from adjacent uses and shall be the minimum necessary to illuminate the property.

No noise, smoke, heat, odor fumes, dust, glare, vibration, or water pollution is expected to be detectable beyond the property line except occasional maintenance.

These requirements have been met.

11. Notice was sent to 18 adjacent property owners within 250 feet and local and state agencies and published on September 26, 2024.
12. No Comments have been received.

Conclusion:

The findings and condition listed below, that Staff has prepared, support the conclusion that the requested conditional use permit (CU-2024-03) meets the listed goals and policies of the City Comprehensive Plan, the standards and criteria of the Bay City Codes Chapters 10.10.020, 10.10.050, 10.10.070, 10.11.050, 10.15.040, 10.15.050, 10.15.070, 10.15.080, the proposed development of a Estuary Science Center, may be approved with the following condition:

1. Combination of Tax Lots 100 and 1800
2. Inclusion of the required bicycle parking location for two (2) bicycles on the site plan.
3. Submittal and approval by the City Staff of a City Zoning Permit application and other required permit applications with the site plan and elevation drawings and location of required landscaping identified onsite.

In making a decision, Planning Commission may:

1. *Grant the conditional use permit request.*
2. *Grant the conditional use permit request, with conditions, as shown above with additional conditions.*
3. *Grant the conditional use permit request.*
4. *Deny the conditional use permit request.*

Other:

- **Review of Proposed Ordinance #710**
 - **Review of proposed changes to Planning Commission Rules Sect 1.02.010.**
 - **Review of proposed Bed and Breakfast definition.**
 - **Review of Short-Term Rental Distance Requirements.**
 - **Review of Bed and Breakfast Number of Guest Bedroom Requirements.**
- **Introduction of Comparative Review of State Rules (SB 406) and City Development Code**

**CITY OF BAY CITY
ORDINANCE 710**

**AN ORDINANCE MAKING CERTAIN CHANGES IN THE CODE OF
ORDINANCES OF THE CITY OF BAY CITY, OREGON**

NOW THEREFORE, be it ordained by the City Council of the City of Bay City, in the State of Oregon, as follows:

SECTION 1: **AMENDMENT** “1.02.010 Creation” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.02.010 Creation

A City Planning Commission of the City of Bay City is hereby created. The City Planning Commission shall consist of seven citizens residing within the City limits or within the City's Urban Growth Boundary and appointed by the City Council. At the first meeting of the Commission, the seven appointed members shall choose their term of office by lot as follows: one for one year, two for two years, two for three years and two for four years. Immediately thereafter, the members shall notify the City Council in writing of such allotment. After this initial appointment, all succeeding terms shall be for four years.

AFTER AMENDMENT

1.02.010 Creation

A City Planning Commission of the City of Bay City is hereby created. The City Planning Commission shall consist of seven citizens residing within the City limits or on a property located at least partially within the City's Urban Growth Boundary and appointed by the City Council. At the first meeting of the Commission, the seven appointed members shall choose their term of office by lot as follows: one for one year, two for two years, two for three years and two for four years. Immediately thereafter, the members shall notify the City Council in writing of such allotment. After this initial appointment, all succeeding terms shall be for four years.

SECTION 2: **AMENDMENT** “1.02.020 Vacancies; Occurrence” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

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1.02.020 Vacancies: Occurrence

- A. The office of a member of the City Planning Commission becomes vacant immediately upon any of the following events:
 - 1. Death, or
 - 2. Adjudicated incompetence, or
 - 3. Recall from the office, or
 - 4. Resignation.
- B. At any time, upon the majority vote of the City Planning Commission, a vacancy may be declared in case of a City Planning Commissioner's:
 - 1. Absence from the City Planning Commission meetings for two consecutive meetings without the consent of the City Planning Commission, or
 - 2. Ceasing to reside in the City or within the City's Urban Growth Boundary, as may be applicable; or
 - 3. Ceasing to be a qualified elector under State law, or
 - 4. Conviction of a public offense punishable by loss of liberty.

AFTER AMENDMENT

1.02.020 Vacancies; Occurrence

- A. The office of a member of the City Planning Commission becomes vacant immediately upon any of the following events:
 - 1. Death, or
 - 2. Adjudicated incompetence, or
 - 3. Recall from the office, or
 - 4. Resignation.
- B. At any time, upon the majority vote of the City Planning Commission, a vacancy may be declared in case of a City Planning Commissioner's:
 - 1. Absence from the City Planning Commission meetings for two consecutive meetings without the consent of the City Planning Commission, or
 - 2. Ceasing to reside in the City or on a property located at least partially within the City's Urban Growth Boundary, as may be applicable; or
 - 3. Ceasing to be a qualified elector under State law, or
 - 4. Conviction of a public offense punishable by loss of liberty.

SECTION 3:**AMENDMENT** "1.02.050 City Planning Commissioner Background" of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

1.02.050 City Planning Commissioner Background

City employees or elected officials of the City of Bay City shall not serve on the Planning

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Commission. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession. No more than one voting member shall reside outside the City limits, but inside the City's Urban Growth Boundary. In the event that a current Planning Commission member's status changes during their term, the member may complete the term, but may not renew their term if their membership violates the provisions contained herein.

AFTER AMENDMENT

1.02.050 City Planning Commissioner Background

City employees or elected officials of the City of Bay City shall not serve on the Planning Commission. No more than two voting members shall be engaged principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of business, trade or profession. No more than one voting member shall reside outside the City limits, but on a property located at least partially within ~~inside~~ the City's Urban Growth Boundary. In the event that a current Planning Commission member's status changes during their term, the member may complete the term, but may not renew their term if their membership violates the provisions contained herein.

SECTION 4: AMENDMENT "8.10.030 Definitions: Short-Term Rentals" of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

8.10.030 Definitions: Short-Term Rentals

"Accessory Dwelling Unit." An additional dwelling unit created on a lot containing an existing legal residential use. An accessory dwelling unit may be in the form of a portion of or attachment to an existing residential structure or as a detached structure. An accessory dwelling use is secondary to the primary residential use.

"Bed and Breakfast". An establishment located in a structure designed for a single-family residence, regardless of whether the owner or operator of the establishment resides in such structure, which:

- A. Has one (1) or more rooms for rent on a daily basis to the public; and
- B. Offers a breakfast meal as part of the cost of the room;
- C. Serves only one breakfast meal a day to guest, staff and owners, only.

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D. Complies with the applicable license requirements per OAR Chapter 333. Division 170.

"Business Short Term Rental." A short-term rental that operates as a Recreational Vehicle, Tent, Yurt Campsite, Tiny Home Park, Hotel, Motel, Motor Hotel, Tourist Court or Bed and Breakfast and is rented to any person on a day-to-day basis for a consecutive period less than 30 days during the year.

"Contact Person." The property owner or property management or if designated on the application for a license, the agent of the owner, authorized to act for the owner.

"Dwelling Unit." One (1) or more rooms occupied, designed or intended for occupancy as separate living quarters in a permanent detached single-family dwelling unit.

"Hotel, Motel, Motor Hotel, Tourist Court." An establishment that provides temporary lodging, contains guest rooms or units, furnishes customary hotel/motel services such as linen, maid service, and the use and upkeep of furniture and usually meals and other services for travelers and other paying guests.

"License." A Short-Term Rental License that is signed by the City of Bay City.

"Owner." The owner or owners of a short-term rental.

"Person." Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit, or legal entity that owns and holds legal and/or equitable title to the property.

"Pet." Dogs (canine) and cats (feline). No other pets/animals are allowed or recognized for the purpose of this Article.

"Recreational Vehicle." A vacation trailer or other vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle and which is intended for human occupancy, and is designed for vacation or recreational purposes, but not residential use (See "Camping or Recreational Vehicle"), and is: a. Built on a single chassis; b. 400 square feet or less when measured at the largest horizontal projection; c. Designed to be self-propelled or permanently towable by a light duty truck; or d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Rental." An agreement granting the use of a dwelling unit to a person with monetary compensation. Use of a dwelling unit by a recorded owner or other person or persons without monetary compensation shall not be considered to be a rental under this Article.

"Rented." The use of a dwelling unit granted to a person in exchange for monetary consideration.

"Renter." A person who rents a short-term rental or is an occupant in a short-term rental.

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"Sale or transfer." Any change of ownership during the lifetime of the Short-Term Rental License holder, whether or not there is consideration, or after the death of the Short-Term Rental License holder, except a change in ownership where title is held not as tenants in common but with the right of survivorship (e.g., survivorship estates recognized in ORS 93.180, such as with a spouse or domestic partner, or transfers on the owner's death to a trust which benefits only a spouse or domestic partner for the lifetime of the spouse or domestic partner).

"Serious Fire or Life Safety Risk." A building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.

"Short-Term Rental (STR)." A detached single dwelling unit that is rented to any person on a day to day basis for a consecutive period less than 30 days during the year.

"Sleeping Area." A room or other space within a dwelling unit designed, intended or used for sleeping. Tents and recreational vehicles shall not be considered a sleeping area.

"Tent Campsite." A grouping of fabric shelters supported by poles or rope, designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.

"Tiny Home Park." A grouping of three (3) or more dwellings, permanent or temporary and attached to a frame or chassis, with or without wheels, with a size 400 sq ft or less at a width of eight and one-half feet.

"Vacation rental." A dwelling unit that is used, rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis. A Vacation Rental is considered a Short-Term Rental.

"Vacationer." Any person enjoying a recess or leave of absence from their place of residence, the majority of whom are temporary occupants.

"Yurt Campsite." Outdoor structures that resemble large round tents, and are used temporarily for recreational purposes.

AFTER AMENDMENT

8.10.030 Definitions: Short-Term Rentals

"Accessory Dwelling Unit." An additional dwelling unit created on a lot containing an existing legal residential use. An accessory dwelling unit may be in the form of a portion of or attachment to an existing residential structure or as a detached structure. An accessory dwelling use is secondary to the primary residential use.

"Bed and Breakfast". An establishment located in a structure designed for a single-family

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residence, ~~regardless of whether the owner or operator of the establishment resides in such structure,~~ which conforms to the requirements outlined in Section 10.11.010.

~~A. Has one (1) or more rooms for rent on a daily basis to the public; and Offers a breakfast meal as part of the cost of the room; Serves only one breakfast meal a day to guest, staff and owners, only. Complies with the applicable license requirements per OAR Chapter 333, Division 170.~~

"Business Short Term Rental." A short-term rental that operates as a Recreational Vehicle, Tent, Yurt Campsite, Tiny Home Park, Hotel, Motel, Motor Hotel, Tourist Court or Bed and Breakfast and is rented to any person on a day-to-day basis for a consecutive period less than 30 days during the year.

"Contact Person." The property owner or property management or if designated on the application for a license, the agent of the owner, authorized to act for the owner.

"Dwelling Unit." One (1) or more rooms occupied, designed or intended for occupancy as separate living quarters in a permanent detached single-family dwelling unit.

"Hotel, Motel, Motor Hotel, Tourist Court." An establishment that provides temporary lodging, contains guest rooms or units, furnishes customary hotel/motel services such as linen, maid service, and the use and upkeep of furniture and usually meals and other services for travelers and other paying guests.

"License." A Short-Term Rental License that is signed by the City of Bay City.

"Owner." The owner or owners of a short-term rental.

"Person." Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit, or legal entity that owns and holds legal and/or equitable title to the property.

"Pet." Dogs (canine) and cats (feline). No other pets/animals are allowed or recognized for the purpose of this Article.

"Recreational Vehicle." A vacation trailer or other vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle and which is intended for human occupancy, and is designed for vacation or recreational purposes, but not residential use (See "Camping or Recreational Vehicle"), and is: a. Built on a single chassis; b. 400 square feet or less when measured at the largest horizontal projection; c. Designed to be self-propelled or permanently towable by a light duty truck; or d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Rental." An agreement granting the use of a dwelling unit to a person with monetary compensation. Use of a dwelling unit by a recorded owner or other person or persons without monetary compensation shall not be considered to be a rental under this Article.

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"Rented." The use of a dwelling unit granted to a person in exchange for monetary consideration.

"Renter." A person who rents a short-term rental or is an occupant in a short-term rental.

"Sale or transfer." Any change of ownership during the lifetime of the Short-Term Rental License holder, whether or not there is consideration, or after the death of the Short-Term Rental License holder, except a change in ownership where title is held not as tenants in common but with the right of survivorship (e.g., survivorship estates recognized in ORS 93.180, such as with a spouse or domestic partner, or transfers on the owner's death to a trust which benefits only a spouse or domestic partner for the lifetime of the spouse or domestic partner).

"Serious Fire or Life Safety Risk." A building code or ordinance violation involving those construction, protection and occupancy features necessary to minimize danger to life from fire, including smoke, fumes or panic, as well as other considerations that are essential to life safety.

"Short-Term Rental (STR)." A detached single dwelling unit that is rented to any person on a day to day basis for a consecutive period less than 30 days during the year.

"Sleeping Area." A room or other space within a dwelling unit designed, intended or used for sleeping. Tents and recreational vehicles shall not be considered a sleeping area.

"Tent Campsite." A grouping of fabric shelters supported by poles or rope, designed for human occupancy and to be used temporarily for recreational or emergency purposes, but not for permanent or residential purposes.

"Tiny Home Park." A grouping of three (3) or more dwellings, permanent or temporary and attached to a frame or chassis, with or without wheels, with a size 400 sq ft or less at a width of eight and one-half feet.

"Vacation rental." A dwelling unit that is used, rented or occupied on a daily or weekly basis, or is available for use, rent, or occupancy on a daily or weekly basis, or is advertised, or listed by an agent, as available for use, rent, or occupancy on a daily or weekly basis. A Vacation Rental is considered a Short-Term Rental.

"Vacationer." Any person enjoying a recess or leave of absence from their place of residence, the majority of whom are temporary occupants.

"Yurt Campsite." Outdoor structures that resemble large round tents, and are used temporarily for recreational purposes.

SECTION 5: AMENDMENT "8.10.100 Limitations, Density And Spacing Of Single-Family STR's" of the Bay City Municipal Code is hereby *amended* as follows:

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BEFORE AMENDMENT

8.10.100 Limitations, Density And Spacing Of Single-Family STR's

Limitations, Density and Spacing of Single-Family STR's: There are certain limitations on the siting, location, density and spacing of a Single-Family STR within the City of Bay City.

- A. Single-Family STR properties are restricted as described below: Existing STRs with valid registrations at the time of the enactment of this Article are exempt from this standard. STRs that begin operating after adoption of this Article and STRs that discontinue or lose approved status through violations of this Article are subject to this standard.
- B. Single-Family STR's shall be limited to the following physical distances between each STR in each City zone district:

In the NHI Zone District	0 feet
In the MI Zone District	1 block face or 200 feet
In the LI Zone District	2 block face or 400 feet
In the S3 Zone District	1 block face or 200 feet

- C. Single-Family STR's shall be limited to 5% of the housing stock in the City of Bay City. A City housing stock count will be available at the City Hall. The count is based on the most recent US Census information available for the City.
- D. Single-Family STR's shall not be operated on a property where a legal Accessory Dwelling Unit exists.
- E. Single-Family STR's cannot occupy an accessory dwelling unit (ADU).
- F. Single-Family STR's shall not be operated on a property where an existing long-term rental (longer than 30 days) use exists

AFTER AMENDMENT

8.10.100 Limitations, Density And Spacing Of Single-Family STR's

Limitations, Density and Spacing of Single-Family STR's: There are certain limitations on the siting, location, density and spacing of a Single-Family STR within the City of Bay City.

- A. Single-Family STR properties are restricted as described below: Existing STRs with valid registrations at the time of the enactment of this Article are exempt from this standard. STRs that begin operating after adoption of this Article and STRs that discontinue or lose approved status through violations of this Article are subject to this standard.
- B. Single-Family STR's shall be limited to the following physical distances between each STR in each City zone district:

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In the NHI Zone District	0 feet
In the MI Zone District	1 block face or <u>No STR shall be permitted within 200 feet of another STR, measured between the closest corner of each respective taxlot.</u>
In the LI Zone District	2 block face or <u>No STR shall be permitted within 400 feet of another STR, measured between the closest corner of each respective taxlot.</u>
In the S3 Zone District	1 block face or <u>No STR shall be permitted within 200 feet of another STR, measured between the closest corner of each respective taxlot.</u>

- C. Single-Family STR's shall be limited to 5% of the housing stock in the City of Bay City. A City housing stock count will be available at the City Hall. The count is based on the most recent US Census information available for the City.
- D. Single-Family STR's shall not be operated on a property where a legal Accessory Dwelling Unit exists.
- E. Single-Family STR's cannot occupy an accessory dwelling unit (ADU).
- F. Single-Family STR's shall not be operated on a property where an existing long-term rental (longer than 30 days) use exists

SECTION 6: AMENDMENT “10.11.010 Bed And Breakfast Establishments” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.11.010 Bed And Breakfast Establishments

- A. Bed and Breakfast Establishments shall comply with all requirements of the intensity zone in which they are located and shall also comply with the following:
 - 1. The number of guest bedrooms shall be limited to three.
 - 2. The dwelling shall be owner occupied.
 - 3. In addition to required off-street parking for the dwelling, one off-street parking space for each guest bedroom shall be provided.
 - 4. Signs shall be limited to one non-illuminated sign not to exceed six square feet in area in the Shorelands 3 and Moderate Intensity Zone. No Vacancy signs shall be permitted. In the High Intensity Zones, signs shall conform to the

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- requirements of Section 10.10.100, Sign Requirements.
5. No Bed and Breakfast Establishments shall be placed within 200 feet of another Bed and Breakfast Establishment, measured from property line to property line. No variances from this standard shall be granted.
 6. The placement of Bed and Breakfast Establishments are subject to further restrictions as Single-Family STRs according to Section 8.10.100.
 7. Prior to occupancy a Bed and Breakfast Establishment shall be inspected by the Bay City Volunteer Fire Department to ensure that fire and safety considerations are addressed. The premises shall be inspected on an annual basis thereafter.

AFTER AMENDMENT

10.11.010 Bed And Breakfast Establishments

- A. Bed and Breakfast Establishments shall comply with all requirements of the intensity zone in which they are located and shall also comply with the following:
 1. The number of guest bedrooms for rent on a daily basis to the public must be a minimum of two but maximum of ~~shall be limited to~~ three.
 2. The dwelling shall be owner occupied.
 3. Prior to occupancy a Bed and Breakfast Establishment shall obtain a restaurant license from the Tillamook County Health Department - Environmental Services. The license must be renewed annually.
 4. In addition to required off-street parking for the dwelling, one off-street parking space for each guest bedroom shall be provided.
 5. Signs shall be limited to one non-illuminated sign not to exceed six square feet in area in the Shorelands 3 and Moderate Intensity Zone. No Vacancy signs shall be permitted. In the High Intensity Zones, signs shall conform to the requirements of Section 10.10.100, Sign Requirements.
 6. No Bed and Breakfast Establishments shall be placed within 200 feet of another Bed and Breakfast Establishment, measured from property line to property line. No variances from this standard shall be granted.
 7. The placement of Bed and Breakfast Establishments are subject to further restrictions as Single-Family STRs according to Section 8.10.100.
 8. Prior to occupancy a Bed and Breakfast Establishment shall be inspected by the Bay City Volunteer Fire Department to ensure that fire and safety considerations are addressed. The premises shall be inspected on an annual basis thereafter.
 9. The Bed and Breakfast Establishment must offer a breakfast meal as part of the cost of the room.
 10. The breakfast meal is the meal served to guests during the a.m. or morning hours each day. The breakfast meal shall only be served to guests, staff and owners only.
 11. The Bed and Breakfast Establishment must have a separate toilet room with handwashing lavatory accessible to employees only, also known as a

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"Designated Employees" Restroom," and a separate toilet room located in the area of the guest rooms, also known as a "Guests' Restroom."

12. Compliance with the applicable license requirements per OAR Chapter 333, Division 170.

PASSED AND ADOPTED BY THE CITY OF BAY CITY CITY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Kathleen Baker, Council President	_____	_____	_____	_____
Tim Josi, Councilor	_____	_____	_____	_____
Tom Imhoff, Councilor	_____	_____	_____	_____
Anthony Boatman, Councilor	_____	_____	_____	_____
Ralph McRae, Councilor	_____	_____	_____	_____
Justin Howard, Councilor	_____	_____	_____	_____

Presiding Officer

Attest

Liane Welch, Mayor, City of Bay City

Lindsey Gann, City Recorder, City of Bay City



MEMO

DATE: July 30, 2024
TO: David Mattison and David McCall, City of Bay City
FROM: Elizabeth Decker, JET Planning
SUBJECT: Middle Housing Code Analysis (DRAFT)
ATTACHED: Comparative Review of State Rules and City Development Code

I. PURPOSE & BACKGROUND

This analysis is developed to inform the City of Bay City's actions to implement middle housing code updates to fully meet state requirements for duplexes, triplexes, quadplexes, townhouses and cottage clusters. The City and all Tillamook County jurisdictions must take action to amend the development code and Comprehensive Plan policies by June 30, 2025 as directed by Senate Bill (SB) 406. The bill, adopted in 2023, includes several provisions expand housing options within Tillamook County by permitting middle housing and planning comprehensively for housing needs. The bill directs cities and unincorporated communities within Tillamook County served by water and sewer to permit all forms of middle housing—duplexes, triplexes, quadplexes, townhouses, and cottage clusters—in zones where single family dwellings are permitted, consistent with the state's adopted rules for Middle Housing in Large Cities which are implemented through state rules (OAR Division 660-046) and Middle Housing Model Code adopted by reference.

This code audit is the first step to identify needed code and plan updates and policy options for City to consider how best to meet the state regulations. The City recently completed a Phase 1 of code updates that introduces many middle housing provisions, including standards for duplexes, triplexes and cottage clusters as part of a broader code overhaul to reorganize and modernize the code. This audit is intended to identify any remaining areas where updates are needed to fully meet the state rules. This draft audit will be refined with input from City officials, City staff input, and stakeholder interviews with local developers prior to finalizing the audit.

This project is partially funded by a grant from the Department of Land Conservation and Development (DLCD) financed in part by State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

II. KEY AUDIT FINDINGS

The code audit reviewed code standards for middle housing in the Low Intensity (LI), Moderate Intensity (MI) and Shoreland 3 (SL3) zones, where single-family dwellings are currently permitted. Several middle housing types are already permitted through recent code updates, and the City’s cottage cluster standards in particular are mostly consistent with the state rules. Full findings are detailed in Attachment A, and Table 1 summarizes the key findings for each middle housing type.

Table 1: Summary of Core Middle Housing Audit Findings

	Duplex	Triplex	Quadplex	Cottage Cluster	Townhouses
Definitions	Meets ¹	Meets ¹	Meets ¹	Meets	Meets
Uses Permitted	Allowed in LI, MI, SL3	Allowed in LI, MI, SL3 with notice ²	Not listed	Allowed in LI, MI, SL3 with notice ²	Allowed in LI, MI, SL3 with notice ²
Minimum Lot Size	LI: 15,000 SF MI, SL3: 5,000 SF	LI: 15,000 SF MI, SL3: 5,000 SF	LI: 15,000 SF MI, SL3: 5,000 SF or increase to 7,000 SF	LI: 15,000 SF MI, SL3: 5,000 SF or increase to 7,000 SF <i>4plex + cottage</i>	Does not meet, 1,500 SF lots must be permitted
Density maximums	LI, MI: No maximum densities SL3: Max 1 du/5,000 SF lot; no maximum can apply				Can apply maximum of 25 du/ac in SL3, MI, 11.6 du/ac in LI
Setbacks & Height	Meets	Meets	Meets	Meets, add max 10-ft perimeter setback	Meets, add 0-ft interior side setback
Off-Street Parking	Meets	Meets ³	Meets ³	Not specified	Meets
Design Standards	Same design standards apply to all residential, opportunity to add clarity for single family and middle housing and specific Model Code standards			Meets, using Model Code standards	Opportunity to add Model Code standards

1. Opportunity to permit detached formats as well as attached formats currently permitted. See Section III.
2. Must be permitted through the same review as single family dwellings, without notice requirements.
3. Assuming multifamily parking ratio applied, no triplex/quadplex ratio specified.

III. POLICY & IMPLEMENTATION OPTIONS

There are several aspects of middle housing implementation that call for City input on a range of policy options, and direction from City decision makers will be important to identify the preferred policy direction to be implemented through the code updates.

- **Duplex, Triplex, Quadplex Configurations.** Duplexes, triplexes and quadplexes have traditionally required all units to be part of a single structure, in a “attached” configuration. The City could also choose to allow “detached” configurations that allow 2-4 separate structures on a lot for greater flexibility, especially when adding additional homes on lots already developed with an existing home.
- **Lot Coverage Standards.** The City permits a uniform 40% lot coverage for all development in the residential zones. A maximum lot coverage standard can address overall building massing by limiting the building footprint as well as limit impervious surfacing. The City can retain a single lot coverage standards that applies to single family dwellings as well as middle housing, or adopt differentiated lot coverage standards with greater coverage permitted for middle housing. Allowing greater lot coverage for middle housing can increase development feasibility and serve as an incentive to develop additional units, especially given that the City’s lot coverage definition includes not just building coverage but all impervious surfaces such as driveways.
- **Number of Attached Townhouses.** The City does not currently limit the number of attached townhouses but has the option to set a maximum of four attached units, or more. Four townhouses can be built under the single-family residential building code rather than the more complex specialty building code, which makes four-unit structures a more common type. The City could differentiate the maximum number of attached townhouses in different zones, or have no maximum number specified in code for greater flexibility.
- **Size of Cottage Clusters.** The City currently has no minimum or maximum number of cottages permitted in a cottage cluster. The City can specify a minimum of three, four, or five cottages within each cluster; requiring a minimum of five can eliminate any

overlap with triplexes and quadplexes but allowing as few as three can add more flexibility. The City must permit at least eight cottages per common courtyard, can permit a greater number of cottages such as 12 or 16 clustered around a common courtyard, or can set no regulatory maximum in favor of allowing flexibility on the site.

- **Size of Cottages.** The City currently limits cottages to a 900-SF building footprint, as required by the state rules, and a maximum 900-SF total floor area with an additional 200 SF permitted for an attached garage with each cottage. The City can retain the 900 SF maximum size, or may permit cottages up to two stories/25 feet tall and establish a maximum size limit between 900-1,800 SF. The Model Code includes a maximum average size limitation of 1,400 SF per cottage, and other communities have picked a maximum or maximum average size of 1,200 or 1,600 SF which can provide more flexibility to add units with several bedrooms and/or a mix of cottage sizes.
- **Parking Requirements.** The City's current minimum parking standards are generally one space per unit for middle housing, which meets the state rules. The City could also consider offering on-street parking credits in certain locations or for certain housing types, and/or adding flexibility for off-site parking located on lots near the proposed middle housing. There is also the opportunity to differentiate the current parking design requirements (BCMC 10.10.074) to include standards specific to single family dwellings and middle housing, such as minimum and maximum driveway widths.
- **Design Standards.** The City currently has a single set of architectural design standards (BCMC 10.10.060) that are applied to all residential and nonresidential development, with the exception of cottage clusters that are subject to the Model Code cottage cluster design standards (adopted in BCMC 10.11.040(B)). The city design standards address some of the same issues as the Model Code standards for triplexes, quadplexes and townhouses such as entrance orientation and window coverage. However, there could be opportunities to clarify some standards or make them more specific for residential development, with options to develop city-specific standards and/or to adopt some or all of the Model Code design standards for entry orientation, unit definition, minimum window coverage, garages and off-street parking areas.
- **Middle Housing in High Intensity zones.** Some middle housing types including triplexes, townhouses and cottage clusters are also permitted in the City's North High Intensity (NHI) and South High Intensity (SHI) zones. Because those zones do not permit single family dwellings, middle housing is not subject to the state rules and the middle housing standards in these zones were not reviewed with this audit. There may be opportunities to update the middle housing standards for consistency with the code updates in other zones to ensure that it is not more difficult to build middle housing in what are intended to be higher density zones. The City has some flexibility to vary the

middle housing standards in these zones if desired, so long as they meet the “clear and objective” requirements for all housing per ORS 197A.400.

IV. FUTURE DIRECTION

This draft analysis will be revised to incorporate direction from City decision makers, engagement with community members and stakeholders, City staff and DLCDC staff as needed for technical input. We look forward to engaging with the City to explore these issues, identify the preferred direction for middle housing, and move towards code updates that expand housing opportunities consistent with the City’s overall planning and community priorities.



2023-10-10

Monthly Report

1. Introduction

2. Summary of Key Findings

3. Detailed Analysis

4. Recommendations

5. Conclusion



City of Bay City

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BAY CITY PLANNING DEPARTMENT MONTHLY REPORT **FOR SEPTEMBER 2024**

1. Zoning Permits (4)

- a. Smokestack extension – 8250 Warren St., Tillamook Country Smoker
- b. Grading and Erosion Control – 8510 Bewley
- c. Garage/Grading and Erosion Control/Demolition – 6525 Wood Street
- d. Front Portch Building Addition – 5155 Main

2. Inspections (4)

- a. Final Inspection – 9160 8th Street.
- b. Final Inspection – 6870 Tillamook Avenue.
- c. Final Inspection – 7645 Hare Street.
- d. Setback Inspection – 7895 18th Street.

3. Meetings involving Planning Department

- Sept 5th – State OHNA Rules Advisory Committee Meeting.
- Sept 9th – FEMA BiOP Pre-Implementation Compliance Measures (PICM) Requirements Mtg.
- Sept 11th – Meeting with Peny Eberle regarding site development for Welcome Garden.
- Sept 12th – LOC Coord. Meeting re: FEMA/NFIP-ESA PICMs.
- Sept 18th – Planning Commission Hearing
 - ✓ *Review of Instructions (online @ City website): Beginning a Project.*
 - ✓ *Review of Type II Land Use Process & criteria for admin review vs pc review*
 - ✓ *Review of FEMA BiOP Pre-Implementation Compliance Measures Requirements.*
- Sept 24th – City County Planning Meeting.
- Sept 26th – LOC Coord. Meeting re: FEMA/NFIP-ESA PICMs.
- Sept 28th – FEMA BiOP PICM Requirements Town Hall Meeting.
- Sept 30th – Meeting with Elizabeth Decker re: SB 406 Middle Housing Audit

4. Next Planning Commission October 16th Meeting

- *Review of Conditional Use Permit (CU-2024-03) for TEP Science Center at 7855 Warren St.*
- *Review of new Bed and Breakfast Requirements.*
- *Introduction of Comparative Review of State Rules (SB 406) and City Development Code*

5. Future Potential Code (Chapter 10) Changes

- a. City 'Middle Housing' Audit – potential code changes (Nov CC- PC workshop).
- b. FEMA BiOP Pre-Implementation Compliance Measure (PICM) Options – Dec 1st adoption.

6. Specific Tax Lot Questions/Inquiries/and Other Correspondences (counter, phone or email)

- ✚ Housing Committee Meeting Correspondence;
- ✚ Discussion of plans for development at Salem and 4th;
- ✚ Geological Hazard Report requirements at 5175 Trade;
- ✚ Property Line location discussion;
- ✚ Development Requirements for property at 13th and Portland;
- ✚ Development Requirements for property at 2nd and B Street;
- ✚ Setback Requirements in Dew Point;
- ✚ Driveway Refund for property at 5475 Pacific;
- ✚ Development Requirements for property at Bay Ridge Lot 27;
- ✚ Setback Requirements for property on McCoy;
- ✚ Grading on property at 6875 Baseline
- ✚ FEMA BiOP PICM questions;
- ✚ Paving Requirements on 6th between Portland and E;
- ✚ Question about stub-out at 7905 19th;
- ✚ Construction on Miami Foley;
- ✚ Urban Growth Boundary Expansion questions;
- ✚ Front Porch Replacement and permit processing at 5155 Main;
- ✚ Short Term Rental questions;
- ✚ BiOP PICM Requirements for property at Clam and Salmon;
- ✚ Zoning Map questions;
- ✚ Development Requirements for property at 6735 Tillamook Ave;
- ✚ Lot Line Verification at 9645 9th;
- ✚ Development Requirements for property at Elliot and Clam;
- ✚ Permit Processing for property at 6525 Wood Street;
- ✚ New Garage at 6850 Seattle;
- ✚ Middle Housing questions;
- ✚ Propane Tank placement at 8510 Bayfront Lane;
- ✚ Building History for 6115 Seattle;
- ✚ New Garage and driveway at 6850 Seattle;
- ✚ Cell Tower Placement in City;
- ✚ Tree Planting at 5th and A;
- ✚ Vacation Rental Inquiry at 5105 Main Street;
- ✚ Property Inquiry at 6080 Main;
- ✚ City Setback Questions;
- ✚ Driveway Requirements in City;
- ✚ Drainage Issue at 5145 Bay Ridge Court;
- ✚ Address verification for 9400 Third Street;
- ✚ Land Use Application Requirements for property at 7855 Warren Street;
- ✚ Vacation Rental questions for property at 8830 17th;
- ✚ Development Requirements for property at 8th and B Street;
- ✚ Street vacation inquiry;
- ✚ Seagulls Rest Questions;
- ✚ Development Requirements for property at 8th and Hendricks;
- ✚ Grading Issues at 6940 McCoy;
- ✚ Smokestack extension at Smoker;
- ✚ Development Requirements in City;
- ✚ Vacation rental questions at 6080 D Street;
- ✚ TBOR presentation;
- ✚ Development Requirements for property at 5090 High;
- ✚ SDC fees in City;
- ✚ Sea wall repair and Flood Requirements at 4520 Salmon;
- ✚ Development Requirements for property at 7680 Elliot;
- ✚ Flood Session Info;
- ✚ Development Requirements for property at 7th and D Street;
- ✚ Wetland Delineations in City;
- ✚ Address Verification at 7645 Hare;
- ✚ FEMA BIOP/PICM Meeting Info;
- ✚ Carport Requirement for development at 7895 18th;
- ✚ Drainage Questions for property at 5775 Main St;
- ✚ Development Requirements for property at Hendricks and Center;
- ✚ Development Requirements for property at 7th and D Street;
- ✚ Middle Housing Audit questions;
- ✚ Vacation Rental questions for property at 9625 2nd Street;
- ✚ Development Requirements for property at 10th and D;
- ✚ Flood Development Permit Process; questions for property at 4535 Clam
- ✚ Fence Issues at 4560 Salmon;
- ✚ Street vacation questions.