

CITY OF YACHATS PLANNING COMMISSION WORK SESSION

ACTION SUMMARY

Date:	August 13, 2024
Time:	10:00 am
Place:	441 Hwy 101 N., Commons Civic Meeting Room 1, Yachats OR 97498
Attending:	Loren Dickinson, Mary Aebi, Jim Paul, Jolene Gosselin, Chair Marc Sakamoto and Tod Davies, Co-Chair
Absent	Craig Hogan

1. Agenda Item Announcements/Correspondence

	None
	Need update on the wetlands inventory; the city manager and mayor are attempting to get an update.
Action Items:	

Quick recap

Discussions on various issues related to accessory dwelling units (ADUs), including the need for a consistent addressing system, the challenges of regulating short-term rentals, and the potential solutions for housing production. It was also highlighted the complexities of enforcing restrictions on ADUs and short-term rentals, the importance of awareness among new homebuyers about covenants and restrictions, and the potential impact of current building standards on ADU construction. Lastly, it was proposed modifications to planning rules for ADUs, the classification of tiny homes on wheels, and the regulation of detached ADUs, while also suggesting the potential benefits of ADUs in residential and commercial districts.

Next steps

Planner to upload subdivision maps and CCNRs to a shared location for the planning commission to review.

Planner to consult with the deputy State Fire Marshal about occupancy calculations based on square footage for ADUs.

Planner to ask Cascadia Partners about why most cities have maximum size limits for ADUs.

Planning Commission to revisit the question of maximum ADU size after discussing with Cascadia Partners.

Planner to prepare packet for upcoming variance request meeting.

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Cascadia Partners to use Yachats-specific visuals when presenting ADU concepts to the community.

Planning Commission to consider how to educate the community on ADU implications and terminology.

Planning Commission to further discuss potential restrictions on ADUs in commercial zones.

Planning Commission to consider adding a disclosure about CCNRs to ADU application forms.

Planning Commission to continue refining ADU regulations for internal, attached, and detached units.

Planning Commission to discuss ADU parking requirements further.

Planning Commission to consider how to address existing unpermitted ADUs.

Summary

ADU Regulations and Wetland Inventory Discussion in the August 13 planning commission work session, the discussion with Commissioners.

The main topics were the Wetland inventory, the ADU conflict document outlining rules for accessory dwelling units (ADUs) in various cities, and the need for a consistent addressing system for ADUs in Yachats for emergency services. Proposed using the ADU conflict document as a basis for developing Yachats ADU regulations, reworking the zoning matrix, and implementing an amnesty period for existing unpermitted ADUs. Also mentioned upcoming state changes impacting ADUs by January 2025.

Addressing Housing Production and Definitions; discussed the challenges and potential solutions for the housing production in the community. It was highlighted that communities lagging behind in housing production could benefit from a housing acceleration program offered by the State; and raised concerns about the definition of family and its implications for single-family dwelling occupancy. It was suggested that the property owner should not be required to live on site due to the high percentage of second home ownership. Instead, it was proposed that the number of people living on the lot should be related to the number of bedrooms. Also mentioned the need for more training for the code enforcement officer and the potential involvement of the public works department.

Regulating Short-Term Rentals and ADUs discussed the complexities of regulating short-term rentals and accessory dwelling units (ADUs) in the city. It highlighted the challenges of enforcing restrictions due to the lack of complaints and the difficulty of retrospective application. It was mentioned her research on restrictive covenants and the need to consider infrastructure deficiencies when evaluating buildable land and was noted that many restrictions have not been enforced, and terminating these restrictions can be a legal challenge due to the private nature of the restrictions.

Addressing CC&Rs Violations and Enforcement discussed her efforts to prevent violations of the CC&Rs in building permit applications, sharing her experience of addressing a potential violation in Blackstone. It highlighted the lack of enforcement of these restrictions and the challenges this poses, particularly for new developments. Also

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suggested the need for clear disclosure to applicants about any deed restrictions, beyond the municipal code, which might affect their plans. It was agreed to work on organizing and sharing relevant data to better understand the scale of these restrictions.

Concerns Over CC&Rs, HOAs, and Density expressed concerns about new homebuyers being unaware of their CCNRS (Covenants, Conditions, and Restrictions, the potential for hidden costs, such as HOA fees. It was shared that their own experience of unknowingly purchasing a property with an HOA, which led to unexpected expenses; discussed the increasing density and resulting issues in areas like Honolulu and the potential for similar problems elsewhere. It was suggested the need for a matrix to determine safe and realistic occupancy limits for different sized properties and highlighted the importance of addressing nuisance regulations.

Modifying Planning Rules for ADUs discussed the size, structure, and planning rules for Accessory Dwelling Units (ADUs). It was proposed a modification to the current planning rules, suggesting that a single-family residence with one or one ADU should be considered permitted use in the R1 zone, which would remove the need for a conditional use permit. Also suggested changes to parking requirements, tying the number of parking spaces to the number of rooms in the ADU, and discussed the concept of a 'separate entrance' in multi-unit dwellings. Lastly, It was clarified her definition of 'family' and addressed questions about the address assignment for internally different but externally identical units.

Building Standards and ADU Construction discussed the current building standards and their potential impact on the construction of accessory dwelling units (ADUs). It was emphasized that the current code allows for the construction of ADUs as long as they are attached to an existing single-story home and meet setbacks, but it was suggested that making the code more restrictive could lead to unintended consequences, such as homeowners building larger additions instead. Also brought up the topic of tiny houses on wheels and their classification, noting that they currently cannot be parked on a property permanently under state law. Discussing Tiny Homes on Wheels In the meeting discussing tiny homes on wheels, such homes are classified as vehicles if they have license plates and wheels for mobility. Tiny homes built on permanent foundations without wheels are not considered vehicles. It was mentioned that while tiny homes can be cost-effective, manufactured homes are often more affordable and recommended for those not planning to frequently relocate their home. Additionally noted the risk of theft for tiny homes on wheels as a reason not to recommend them. The only legal places to build tiny homes in their community are manufactured dwelling parks and RV parks unless changes are made. ADU Regulation and Development Discussion about the regulation of detached accessory units (ADUs) in the city. The team debated whether to allow more coverage or smaller setbacks for ADUs, suggesting that they should allow more coverage to encourage ADU development. However, it was also noted that this approach could generate more resistance in the community.

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The team also discussed the possibility of setting a minimum and maximum size for ADUs, but no final decision was made. It was suggested revisiting the issue with Cascadia, which is currently developing a grant for ADU development. Discussing ADU Integration in City Zones discussion about the potential of allowing Accessory Dwelling Units (ADUs) in certain areas of the city. It was suggested that ADUs should not be restricted in residential districts and could be beneficial in commercial districts due to the city's current code allowing for anything possible in residential zones; and emphasized that there should be no architectural restrictions on the design of ADUs, as long as they meet basic requirements. However, acknowledged that the community's acceptance of ADUs is still an open question. The team agreed to continue discussing and refining the details of the ADU proposal.

Adjourned Meeting	11:50 p.m.
Prepared By:	Kimmie Jackson, Recorder