

1. Agenda

Documents:

[7-17-18_PC_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[ACCESSORY_DWELLING_DRAFT_ORD.PDF](#)
[ACCESSORY_DWELLING_REGULATIONS.PDF](#)
[BLDG_PERMIT_AS_OF_JUL_2018.PDF](#)
[DRAFT_06-19-18_PLANNING_MINUTES.PDF](#)
[CERT_OF_OCCUPANCY-BUSINESS_LICENSING.PDF](#)
[DRAFT_06-19-18_PLANNING_WORK_SESSION_MINUTES.PDF](#)

3. Work Session Minutes

Documents:

[2018-07-17 PLANNING WS MINUTES.PDF](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

**TUESDAY, JULY 17, 2018: 2 PM WORK SESSION;
3 PM REGULAR MEETING**

WORK SESSION AGENDA

- A. Certificate of Occupancy and Business Licensing
- B. Accessory Dwelling Units and Types of Dwellings (Stick Built, Tiny Homes, Manufactured Homes, Pre-Fabricated Structures) (No material in packet regarding this item.)
- C. Accessory Dwelling Units (ADUs) – Draft Ordinance
- D. Clear Vision Standards

REGULAR MEETING AGENDA

- I. Announcements and Correspondence
- II. Minutes
 - A. Regular Meeting and Work Session – June 19, 2018
- III. Planning Commissioner Interview
- IV. Citizen's Concerns
- V. Public Hearing - None
- VI. Planner's Report
- VII. Other Business
 - A. From the Commission
 - B. From Staff

Commission meets the third Tuesday of each month.

Next scheduled meeting: August 21, 2018 at 2:00pm and 3:00pm.

This meeting is open to the public and all interested persons are invited to attend. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. Minutes of all public meetings are available for review at City Hall, or on the City website at www.yachatsoregon.org.

In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD).

Posted: July 11, 2018



DRAFT ACCESSORY DWELLING UNIT ORDINANCE

This italicized paragraph is a paraphrased excerpt from the Oregon Department of Land conservation and Development (DLCD) model code for Accessory Dwellings. Oregon Revised Statutes (ORS) 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings (for cities with a population of 2,500 or greater). Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development. The model development code language provides recommended language for accessory dwellings. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Draft Yachats Development Code Amendment to Allow ACCESSORY DWELLINGS

Chapter 9.04 General Provisions and Definitions

9.04.030 Definitions.

(The following definition matches the definition for Accessory Dwelling found in ORS 197.312)

“Accessory Dwelling” means an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

Zoning Districts

(Zoning Districts that allow single family dwellings include R-1, R-2, R-3, R-4, and C-1. Therefore, ‘accessory dwelling unit’ would be added as a ‘conditional use permitted’ in each of these zones. An alternative is to add the accessory dwelling unit as a ‘use permitted outright’ in each of these zones.)

Chapter 9.72 Conditional Uses**9.72.050 Standards and procedures governing conditional uses.****G. Accessory Dwelling Units.**

Accessory dwellings are subject to the standards identified below.

1. **One Unit.** A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

Note: An alternative is to allow a maximum of two Accessory Dwellings. One unit must be detached, or in a portion of a detached accessory building (e.g. above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g. an addition or the conversion of an existing floor).

2. **Floor Area.**

- a. A detached Accessory Dwelling shall not exceed 900 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller.
- b. An attached or interior Accessory Dwelling shall not exceed 900 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 900 square feet.

3. **Other Development Standards.**

Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

- a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and
- b. One off-street parking space is required for an Accessory Dwelling.

July 10, 2018

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Fences, Hedges and Wall Regulations

This memorandum provides a draft amendment to remove fence/hedge/wall regulations from Section 9.52.030 General Provisions Regarding Accessory Uses and inserting the regulations into Section 9.64.010 Design Standards (under Street Construction and Design). The City Attorney recommended the Fence/Hedge/Wall regulations be taken out of the 'accessory use' section.

Section 9.52.030 General provisions regarding accessory uses.

An accessory use shall comply with all requirements for a principal use, except as this title specifically allows to the contrary, and shall comply with the following limitations:

- A. An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than five (5) feet to a property line.
 - 1. The maximum height shall be one story or fifteen (15) feet, whichever is the lesser.
 - 2. Accessory buildings are not permitted in the front yard.
- ~~B. Fences, hedges and walls may be located within required yards, but shall not exceed three (3) feet in height in any required yard which abuts a street other than an alley. Higher screen may be allowed with proper setbacks for clear vision in accordance with Section 9.64.010. (Ord. 319, 2013; Ord. 267, 2007; Ord. 73E § 3.050, 1992) (First sentence proposed to be moved to Chapter 9.64 – see below.)~~

Chapter 9.64 - Street Construction and Design

Section 9.64.010 Design standards.

Any street constructed within and dedicated to the City as a city street, or dedicated to the public for use as a street and constructed after the date of the ordinance codified in this title shall comply with Chapter 7.04. In addition, the following standards shall apply **to all streets, i.e. public streets and private streets:**

- A. Clear-Vision Areas. A clear-vision area shall be maintained on the corners of all property at the intersection of two (2) streets.
 - 1. A clear-vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a

straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other sides.

2. A clear-vision area shall contain no planting, fence, wall, structure, temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height eight feet above grade.
3. For clear-vision areas, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

B. Fences, hedges and walls may be located within required yards, but shall not exceed three (3) feet in height in any required yard which abuts a street other than an alley.

C. Street Intersections. Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout. Intersections shall be designed so that no danger to the travelling public is created as a result of staggered intersections; and in no case shall intersections be offset less than one hundred (100) feet.

D. Cul-De-Sacs and Turn-Arounds. In general, dead end (cul-de-sac) streets in urban subdivisions (average lot size under one acre) shall not exceed four hundred (400) feet in length and shall terminate in a turn-around with a minimum property line radius of forty-five (45) feet or other type of turn-around approved by the Planning Commission. Turn-arounds approved by the Planning Commission shall be provided on all dead-end streets.

E. Easements.

1. Where alleys are not provided, easements of not less than five (5) feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.
2. A private easement established without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

F. Blocks. No block shall be longer than one thousand two hundred (1,200) feet between street lines.

G. Public Access Ways. When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways ten (10) to twenty (20) feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually

long blocks, to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.

- H. Public Streets. If topography or other physical conditions make a street of the minimum required width impractical, the Planning Commission may modify this street regulation requirement provided the public and future owner's interests are adequately protected.
- I. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this title.
- J. Variance. The standards for street construction may be varied by the City Council where topography, soil characteristics, or other factors indicate such variance would be in the best interest of the City. Any request for variance in the above standards must be made in writing and filed with the City Recorder when the application for construction is submitted. (Ord. 175, 1995; Ord. 73E § 8.010, 1992)

City of Yachats
2018 LAND USE / BUILDING PERMIT ACTIVITY

For the Period June 6, 2018 through July 10, 2018

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
6/8/18	Building Permit	Annette Duff	14-12-27DA/8500 194 W 3rd	R-3	Replace fence w/ 7' high fence	Approved 6/19/18
6/14/18	Building Permit	David Diamond	14-12-27AD/14200 Hanley Dr	R-1	New single family dwelling	Approved 6/19/18
6/28/18	Partition Application	Elk Mountain Properties, LLC	14-12-23CC/7 tax lots Fisterra PUD	R-3	Partition properties into two tax lots	Pending August Planning Commission meeting
7/3/18	Building Permit	James Jackson	14-12-26BB/2500 1345 Elk Mountain Rd	R-1	New attached garage to single family dwelling	Approved 7/3/18
7/3/18	Building Permit	David Rivinus	14-12-27DA/4800 442 Ocean View Dr	R-1	Remodel single family dwelling	Approved 7/5/18
7/3/18	Building Permit	Norm Chuch	14-12-27DD/4300 224 Shell St	R-1	Replace lower deck and stairs. Remove upper deck, enlarge and install vinyl roof for decking.	Pending review

YACHATS PLANNING COMMISSION

June 19, 2018

Draft Minutes

Chair Helen Anderson called the June 19, 2018 meeting of the Yachats Planning Commission to order at 3:00 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Ginny Hafner, Mary Ellen O'Shaughnessey, Shelly Shrock, and James Kerti. Absent: Christine Orchard. Staff present: City Planner Larry Lewis. Audience: 5.

I. Announcements and Correspondence - none

II. Minutes

A. May 15, 2018 Work Session Meeting

Page 1, Line 13: add "was needed" to end of sentence starting with, "Commissioner Anderson clarified Planner Lewis..."

Page 1, Line 30: "adverted" should be "averted"

Page 1, Line 33: "it the sewer system" should read, "the sewer system"

Commissioner Kerti moved to approve the May 15, 2018 work session minutes as amended: Aye – 6; No – 0.

B. May 15, 2018 Regular Meeting

Page 1, Lines 48-49: "Parcel 2 was adjusted" should read "Parcel 2, which was adjusted"

Page 3, Line 27: "would have to go a commercial building contractor" should read, "would have to go to a commercial building contractor"

Page 3, Line 48: "Anderson reported she sent ask the City Manager to" should read, "Anderson reported she asked the City Manager to"

Commissioner O'Shaughnessey moved to approve the May 15, 2018 Planning Commission meeting minutes as amended: Aye - 6; No – 0.

III. Citizen's Concerns - none

IV. Public Hearing

A. Continuation of Case File #1-PAR-PC-18 Lot Partition Application – Nicholas Alexander

Anderson reopened the Public Hearing on file #1-PAR-PC-18 and asked Commissioners if they needed to make any additional disclosures. There were none.

Lewis explained he asked the property owner for information on parking. He attached a diagram indicating up to six parking spaces for the current duplex dwelling. He noted there was adequate lot size for each partition.

Anderson opened the public testimony portion of the hearing, and not testimony was received. Anderson closed the public testimony portion of the hearing.

Commissioner suggested they have enough information to decided on this application. Lewis suggesting adding a fifth condition requiring that four parking spaces be maintained as long as the dwelling was operated as a duplex.

1 Urban moved to approve case file #1-PAR-PC-18 allowing the partition of Lincoln County tax lot
2 #14-12-27-AA (1109 King Street) and to have the City Planner prepare the findings for the Chair's
3 signature: Aye – 6; No – 0.

4
5 Anderson closed the public hearing on #1-PAR-PC-18

6
7 **B. Case File #1-VAR-PC-18 Variance Request – Robert Anthony**

8 Anderson opened the public hearing for #1-VAR-PC-18

9
10 Anderson ascertained the following:

- 11 1. No person objected to the jurisdiction of the Planning Commission to hear this case.
- 12 2. No Commissioner wished to abstain because of conflict of interest or concern for
13 impartiality.
- 14 3. Commissioner Kerti declared ex parte contact based on frequent visits to Yachats Plaza
15 and conversations with business owners regarding the Highway 101 Project's impact on the
16 businesses, but he would not be biased in his adjudication on this matter.
- 17 4. The Commission had been given all testimony submitted to date.
- 18 5. Commissioners believed they have had adequate time to review the application.

19
20 Planner Lewis summarized the Public Hearing process. Lewis summarized the application and
21 relevant City Code as presented in his Staff Report. Lewis explained the applicant wanted to build
22 a permanent structure where a temporary covered space now exists and to waive additional
23 parking requirements for this addition. He indicated the new 400 square foot structure required 4
24 new parking spaces. Lewis highlighted this property had the greatest adverse impact of any
25 property during the 101 Project, noting there were 15 spaces prior to the Project and there were 10
26 spaces now. He added that the prior 15 spaces would meet the current parking requirement.
27 Lewis noted some additional on-street parking has been added on Beach Street through the
28 conversion of parking spaces to diagonal parking.

29
30 Anderson opened to the Public Input portion of the hearing.

31
32 Applicant Anthony indicated Lewis adequately covered his concerns. There were no opponents to
33 the application.

- 34 1. John May (1040 Hanley Street) asked that builders be aware of a utility easement in the
35 area.
- 36 2. Phillip Schuster (290 W 2nd Street) indicated they have addressed the utility easement.
37 He asked about the 120-day completion clause in the application. Lewis explained the 120-
38 day regulation concerns the City's deadline to make a decision on the application, not for
39 the building to begin.

40
41 Shrock noted the addition of spaces on Beach Street compensated for the five spaces lost in the
42 highway construction, and Lewis indicated the Beach Street spaces are on-street. Kerti observed
43 the parking issue to this building has had significant impact on the businesses in that Plaza. Kerti
44 also noted the popularity of this outdoor seating area.

45
46 Urban clarified with Lewis about standards for building an outdoor seating area which are part of
47 the building application process with Lincoln County.

48
49 Criterion A: Commissioners agreed exceptional circumstances apply to this property.

50 Criterion B: Commissioners agreed the variance is required to preserve the applicant's property
51 rights. Urban clarified the applicant is Robert Anthony who has the permission of the property
52 owner, Gary Church.

1
2 Criterion C: Commissioners agreed granting this variance would result in no detrimental impacts to
3 this title or to City plans or policy.

4
5 Criterion D: Commissioners agreed the variance is the minimum required to alleviate the hardship.

6
7 Criterion E: Commissioners agreed the variance request does not arise from a zoning violation.

8
9 Kerti moved to approve case file #1-VAR-PC-18 with the conditions outlined in the Staff Report and
10 to have the City Planner prepare the findings for the Chair's signature: Aye – 6; No – 0.

11
12 Anderson closed the public hearing on #1-VAR-PC-18.

13 14 **V. Planner's Report**

15 Lewis summarized building activity from May 9 to June 5, 2018 in his Planner's Report in the
16 meeting packet.

17 18 **V. Other Business**

19 **A. From the Commission**

20 Anderson reported Councilor Glenn attended an affordable housing meeting in Newport where he
21 received a list of suggestions for encouraging the creation of affordable housing. Glenn wanted
22 the Planning Commission to assess what is possible within the Yachats Municipal Code.

23 Anderson explained that accessory dwelling units (ADUs) are the current popular approach, but
24 that in Portland, ADUs were being occupied by the property owner and the main house being
25 turned into a

26 27 **B. From Staff - none**

28 Anderson summarized the City Attorney's statement regarding how the City could proceed to
29 address controlling a business license when building permits are not followed. Anderson
30 suggested the Commission could recommend to Council that that a Certificate of Occupancy be
31 included in business license applications or the Commission could suggest a revision in section
32 4.04 to incorporate a Certificate of Occupancy into the licensing process.

33
34 Hafner wanted Connor to be notified that the Planning Commission has been addressing his
35 concerns over the line of sight issue on his property.

36
37 Anderson handed out a draft form regarding tracking Commission activity. She suggested keeping
38 paper records, which could be uploaded to the document library when completed. Anderson
39 indicated indicated she would go through meeting minutes to ascertain activity for the past few
40 years.

41
42 Hafner clarified there would be three separate public hearings on the Comp Plan, Light Industrial,
43 and Signs at the next meeting.

44
45 O'Shaughnessy asked for clarification on the code regarding formula business in light of a property
46 on the corner of E 3rd Street and Highway 101. Lewis noted the Council has passed the ordinance.

47
48 Shrock asked about the recent building at the Drift Inn. Anderson explained that the Drift Inn has
49 added a covered patio section behind the Mercantile as part of the work on converting the old
50 laundromat to hotel rooms. Anderson indicated this area would require additional parking, and she
51 has asked the City Planner to visit the site and review the Condition Use Permit and total parking
52 requirements for the complex. Anderson also noted the parking in the old clinic parking lot was

1 changed from the Conditional Use Application where parallel spaces were approved and diagonal
2 parking was added.
3

4 Rhonda Moran (Coolidge Lane) pointed out she keeps hearing at various meetings how people are
5 allowed to slip by regulations. Anderson asserted that Commissions are working to establish
6 policies and rules and to get people to follow those rules. Shrock added that the change from a
7 Mayor to City Manager structure was resulting in more clarity in policies and regulations. Lewis
8 noted land use decisions have been following the rules. Kerti added that having a qualified code
9 enforcer would help with addressing violations.

10
11 Moran asked how she could get a speed limit sign on her street. Shrock explained Public Works
12 installed a speed sign on Greenhill.
13

14 Anderson adjourned the meeting at 3:54 pm.
15
16
17

18
19 _____
Helen Anderson, Chair

Date

20
21 Minutes prepared by H H Anderson on July 9, 2018.
22

TO: City Council
FROM: Planning Commission
DATE: July 17, 2018
RE: Certificate of Occupancy for Business Licensing

The Planning Commission has had ongoing discussions about preventing businesses from operating in buildings that do not have approved building permits. We asked the City Manager to get feedback from the City Attorney. The Attorney indicated the City could do either of the following:

- A. Require a copy of the business' Certificate of Occupancy from the County as part of the license application process. Only businesses operating in facilities within the City limits would need to comply with this requirement.
- B. Add language to the Municipal Code that a business license could be revoked or suspended for operating a business within the City limits in a building that is in violation of County building codes.

To implement Option A, the Council would need to modify Section 4.04.050 as follows:

Section 4.04.050 License application.

A. Application for a business license, or for renewal of a business license shall be made to the office of the City Recorder upon forms furnished by the City. Each application shall contain the following information:

1. The registered business name;
2. The location of the business;
3. The mailing address of the business;
4. The business telephone number;
5. A description of the business;
6. The name and address of the owner;
7. The date of application;
8. The fiscal year for which application is made;
9. The amount of money tendered with the application;
10. The average number of employees regularly employed by the business;
11. Social Security Number or Federal Identification Number;
12. Contractor's construction board number (if any);
13. Signature of owner;
14. Certificate of Occupancy from Lincoln County for the facility (if business is operated in a facility within the City limits);
- ~~145.~~ Number of rental/motel units (if applicable);
- ~~156.~~ Number of seats (restaurants, lounges, taverns);
- ~~167.~~ Any other information necessary to enable the City to review the application under subsection B of this section and to determine the appropriate fee.

To implement Option B, the Council would need to modify Section 4.04.100(A) as follows:

Section 4.04.100 Denial, revocation or suspension of license.

A. The City Recorder may deny, suspend or revoke a business license upon finding that:

1. The licensee fails to meet the requirements of, or is doing business in violation of federal, state or county laws or city ordinances;
2. The applicant has provided false or misleading material information;
3. The applicant's past or present violation of law or ordinance presents a reasonable doubt about his or her ability to perform the licensed activity without endangering property or the public health or safety;
4. The licensed activity would endanger property or the public health or safety;
5. The licensed activity is conducted in a facility within the City limits that does not meet Building Code standards.

Planning Commission Recommendation

The Planning Commission prefers Option A as it puts the responsibility on the business owner to provide documentation of operation in a legal facility before a license is issued. Option B would require the City to take action to find the violations, then to revoke the license, which could involve significant legal actions.

The Planning Commission asks you to consider adopting one of these two remedies for businesses operating in unsafe buildings or buildings in violation of standard building codes.

YACHATS PLANNING COMMISSION

June 19, 2018

Work Session Draft Minutes

Vice-Chair Ron Urban called the June 19, 2018 meeting of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Mary Ellen O'Shaughnessey, Ginny Hafner, and James Kerti, Shelly Shrock. Absent: Christine Orchard. Staff present: City Planner Larry Lewis. Audience: 4.

I. Comprehensive Plan Update

Goal J, Policy 6: Commissioner Urban suggested the first three paragraphs of Goal J, Policy 6 starting with, "Yachats only has..." be deleted leaving only, "The City strongly encourages developers to make government assisted housing units available to income eligible persons who are employed in the local area workforce on a preferential basis to the extent allowed by law" for the policy statement. Commissioners pointed to other unreliable information in the first three paragraphs and agreed with Urban's suggestion.

Goal I: Commissioner Hafner recalled Commissioner Orchard was going to correct the wording in this goal. Planner Lewis indicated he had revised the wording to, "The City provides efficient essential public facilities and services to accommodate future growth, including water and sewer services, storm drainage, public safety, and emergency services."

Goal L: Commissioner Kerti noted this goal indicates "Policy" while other sections refer to "Policies." Commissioners agreed to use, "Policies."

Goal B: Commissioner O'Shaughnessey noted the second line had extra spaces. Kerti noted the spacing might be due to the margins being set to justify both margins.

Goal G, Policy 5: Commissioner Shrock noted "UGB" should be spelled out to, "Urban Growth Boundary."

Goal K, Proposed Action: Hafner recalled Anderson was going to find out what the Public Involvement Plan referred to in this Action was. Anderson reported she could not find anyone who knew what this Public Involvement Plan was. She was advised that the Commission not remove this item as it was likely put there for some purpose.

Lewis indicated the draft version was sent to OLCD for their review, so Commissioners should work from this draft version at the Public Hearing.

II. Housing and Accessory Dwelling Units

Anderson reported the State passed HB1051 requiring the allowance of Accessory Dwelling Units (ADUs) with minimal exemptions. She noted the March 2018 Guide provided by Lewis indicated cities of less than a population of 2,500 were exempt. She was also informed that Lincoln County passed legislation requiring the allowance for all zones and areas regardless of size. Anderson spoke with the Lincoln County Planning Department and learned their regulation only applied to areas under County jurisdiction, and as Yachats' urban growth boundary and city limits are the same, there is no area under County jurisdiction. Anderson clarified the City does not have to allow ADUs, but they might want to.

Anderson referred to the Newport Initiatives provided by Councilor Max Glenn for Commission review. Urban asserted the only topic that was relevant to the Planning Commission was the

1 implementation of SB1051. Lewis clarified residential space over retail businesses was currently
2 allowed. Anderson noted Yachats has a cap on vacation rentals, so ADUs as vacation rentals
3 would be limited. Lewis added that the Commission could allow or prohibit vacation rentals on the
4 property with an ADU. Urban reported he found four places where ADUs are addressed in the City
5 Code and suggested the Commission review these areas before writing new regulations. These
6 sections were: 9.68.010 General Provisions, 9.68.040 Requirements for Manufactured Dwelling
7 Subdivisions (Anderson noted this section only applies to manufactured dwellings, parks,
8 subdivisions, and PUDs), 9.54.010 Definitions, and 9.04.030 Definitions.
9

10 Anderson noted from the issues raised by Doug Connor on light of sight setbacks from a private
11 road, the attorney asserted the 20 feet setback was in section 9.52 on Supplementary Use and
12 Design Regulations and thus only applied to supplementary uses. Anderson indicated per her
13 discussion with Lewis, they believed the appropriate place to have that language was in section
14 9.64 pertaining to streets and street construction. She added they could also add the
15 ingress/egress language so that the clear sight regulation would apply to driveways as well as
16 street intersections. Anderson suggested that if the Commission wanted to allow ADUs in
17 residential zones, they would need to put the allowance language in the residential zone sections.
18

19 Commissioners discussed restrictions that could be placed on an ADU in R1 zones, such as an
20 ADU being used for long-term rentals. Lewis noted lot coverage restrictions could be relaxed for
21 ADUs as well. Shrock suggested parking requirements not be relaxed. Commissioners discussed
22 differences between tiny homes, manufactured homes, and mobile homes. Lewis noted an ADU is
23 accessory to a primary dwelling whereas a tiny home could be stand-alone.
24

25 Rhonda Moran (Coolidge Lane) asked if ADUs were a way for developers to get around the
26 vacation rental requirements. Anderson clarified the intent of the Commission is to prevent her
27 concern from happening.
28

29 Kerti suggested the goal to increase affordable housing is connected to increasing density of
30 housing. Anderson suggested that lot coverage requirements would limit the amount of land that
31 could be used for ADUs. Lewis noted Waldport has begun drafting an ordinance for incorporating
32 ADUs into residential zones. Anderson asked about the application of current density
33 requirements regarding dwellings per acre, such as R3 having a limit of 12 dwellings per acre.
34 Lewis clarified the code does not address the neighborhood density, only the lot density, so a one
35 quarter acre parcel would be limited to 3 dwellings, regardless of what other dwellings are on
36 adjacent and nearby lots.
37

38 Kerti asked what the motivation of an owner would be to build an ADU on their property.
39 Commissioners suggested rental income and space for family members.
40

41 Urban asked Lewis to provide the Commission with the code being drafted by the Waldport
42 Planning Commission. Hafner asked Lewis to indicated the areas of Yachats' code that would be
43 impacted by ADU legislation.
44

45 Lewis noted ADUs could be listed as a conditional use that could have its own standards.
46

47 Urban adjourned the work session at 2:56 pm.
48
49
50
51

52 _____
Ron Urban, Vice-Chair

Date

1
2
3

Minutes prepared by H H Anderson on July 9, 2018.

DRAFT

YACHATS PLANNING COMMISSION

July 17, 2018

Work Session Approved Minutes

Vice-Chair Ron Urban called the July 17, 2018 meeting of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Mary Ellen O'Shaughnessey, Ginny Hafner, James Kerti, and Shelly Shrock. Absent: none. Staff present: City Planner Larry Lewis. Audience: 3.

I. Certificate of Occupancy and Business Licensing

Anderson explained she drafted a memo to Council based on the City Attorney's feedback with Option A being requiring a certificate of occupancy as part of getting a license and Option B as enabling the City to revoke a license if a certificate was not obtained. She interpreted the Attorney's feedback to be saying there was potential liability for the City to require a certificate of occupancy as part of business licensing in the event of a business not getting the certificate and someone subsequently getting hurt, as it would be the City's responsibility to see the license was obtained. She noted he suggested they could alternatively put language in the Code to have a lack of a certificate being a reason for revoking a license. Commissioner O'Shaughnessey noted that was hard to take something away once someone has obtained it. Commissioner Kerti suggested the language of Option B could allow for not issuing the license, but Option A is more direct for that approach.

Urban asked why Anderson was not recommending the Option B that the Attorney seemed to be recommending. He noted how the Attorney had previously challenged the language and work of previous Commission proposals such as with the formula business and light industrial language. Anderson explained she saw the Attorney as preferring Option B because of potential liability with Option A, and she did not agree that the liability in Option A was such a risk. Urban thought it would be more prudent to follow the Attorney's advice.

Anderson read the section of the Attorney's email explaining the liability involved in Option A. Anderson did not believe the Attorney was strongly against Option A. Commissioner Hafner asked if the City would be liable for an accident that occurred in the business that was operating without building permits. Kerti suggested the City would have liability in both approaches. O'Shaughnessey agreed that the City could have liability for any unpermitted area where an accident occurs.

Kerti did not read the Attorney's comments as an outright endorsement of Option B. Kerti also referred to the comment that Option B would be turning the requirement from an application issue into an enforcement issue and noted the City has not had consistent code enforcement in recent times.

Anderson stated she was not clear in explaining to Commissioners that draft was her first attempt of a draft and not reflective of what the Commission had decided. She also noted that she had talked to Clerk Kimmie Jackson who oversees the licensing process, and Jackson was in favor of having the certificate be part of the licensing documentation.

Urban wanted clarification on why the Planning Commission was addressing this topic. Anderson indicated it was because of the Farm Store operating without a license. Commissioners noted it was uncertain as to whether other businesses were operating in buildings not up to code. O'Shaughnessey suggested the County provide the evidence of occupancy. Anderson argued it would be easiest on City staff to have the business owner provide the information. Anderson noted

1 that once the certificate was on file with the City, the owners would not have to resubmit it unless
2 they made significant changes to the building. Lewis agreed that it would be better to not issue
3 licenses to businesses without proper permits.

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5 Commissioners discussed the pros and cons of asking the County to provide the certificates versus
6 having the owners provide the certificates, and Anderson noted there are over 400 business
7 licenses in the City. Anderson asked Code Enforcer Quinton Smith how he would address a
8 business operating without building permits, noting the citation would give the violator time to
9 remedy the situation. Anderson noted Chapter 1.12 of the code outlines the process of issuing
10 citations.

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12 Urban had concerns about the reasons for the Commission to take up this matter and how a viable
13 business could get the certification to meet code requirements. Hafner wanted clarification on the
14 responsibilities of the City versus the County. Lewis explained the County issues and oversees the
15 building permits. He noted the County makes the first few attempts to ask a business to correct the
16 violation, and then the matter gets turned over to the City to manage.

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18 Anderson asked if Commissioners would prefer to have the memo indicate there are two options to
19 address the certificate of occupancy matter rather than to state a preference for one.
20 O'Shaughnessey asserted the Commission should make a recommendation if it had a clear
21 preference.

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23 Urban wanted to see that there were ways for a business in violation to get compliant without
24 closing them down. Anderson agreed that there should be avenues to allow time to get compliant.
25 Anderson noted there are actually two businesses in current violation of getting building permits.
26 Lewis noted how the Farm Store has continually delayed and made excuses for not working to get
27 compliant, and he would welcome stronger code to force the business to take the matter seriously.
28 O'Shaughnessey suggested it was common sense that a certificate be required so it was not really
29 about one businesses action.

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31 O'Shaughnessey suggested the memo be phrased in a more positive way. Anderson suggested
32 they could add a statement about allowing businesses to have a period of time to bring violations
33 into compliance. O'Shaughnessey raised the issue of businesses renting space from an owner
34 who does not have records of certificate of occupancy. Lewis noted the record should be on file
35 with the County. O'Shaughnessey suggested a year would be reasonable.

36 37 **II. Accessory Dwelling Units and Types of Dwellings (Stick Built, Tiny Homes,** 38 **Manufactured Homes, Pre-Fabricated Structures)**

39 Anderson explained she asked this topic to be on the agenda as there was confusion at the
40 previous meeting about the classifications. Lewis noted the ability to have a Tiny Home depends
41 on how it was classified:

- 42 - If classified as recreation vehicle, they are not permitted.
- 43 - If classified as manufactured home, they are not permitted, as manufactured homes must
44 be multi-sectional.
- 45 - If classified as a stick built home, they would be permitted, as the city has no minimum
46 size requirement on a stick built home. The County does have minimum size
47 requirements for living, sanitation, and kitchen areas, which roughly totals 220 square
48 feet. A permanent prefabricated structure is allowed (sections manufactured off site
49 and assembled as permanent structure on site).

50
51 Anderson asked if a Tiny Home could be a type of accessory dwelling unit. Lewis said a Tiny
52 Home could be an ADU if it were stick built and not a recreational vehicle or manufactured home.

1 Urban explained there is pressure to allow for more affordable, higher density housing. Hafner
2 clarified the Planning Commission had previously sent a memo to Council recommending that
3 apartment or town homes were a more appropriate approach to affordable housing rather than
4 Tiny Homes.

6 **III. ADU Draft Ordinance**

7 Urban stressed the importance of not allowing loopholes. Commissioners discussed the three
8 listed options of "interior, attached, or detached."

10 Urban adjourned the work session at 2:55 pm and suggested reconvening after the regular
11 meeting.

13 Urban reopened the work session at 3:30 pm.

15 Lewis explained classifying an ADU as a conditional use would require Planning Commission
16 approval where as outright use would enable building without Planning Commission approval.

18 Kerti suggested the Commission get public input on whether ADUs are desired. Hafner did not
19 want to allow ADUs where density was already high. Anderson noted the minimum lot size for a
20 dwelling unit is 7,500 sf, so the Commission could require that a lot size be double that, or 15,000
21 sf, if the owner wanted to add an ADU. Commissioners agreed a maximum of one unit should be
22 allowed in an R-1 zone. Lewis noted some communities have seen owners building a detached
23 ADU and having interior space within the primary dwelling.

25 Commissioners returned to the principle that the most practical way to create affordable housing in
26 Yachats is through apartments. Lewis discussed some of the ways other cities are using to
27 encourage apartment-type developments.

29 Lewis noted in the R-2 zones, duplexes are allowed, but the units must be attached. Anderson
30 suggested they could allow a maximum of two dwelling in R-2, so that if there was already a
31 duplex, an ADU could not be added. However, if there was only a single-family home, an ADU
32 could be added.

34 Commissioners discussed the practicality of getting too detailed about regulations without getting
35 further direction either from the public or the Council. Anderson wanted the Council to give the
36 Commission specific direction to allow ADUs in R-1 before they go further on regulations around
37 that allowance. Kerti was not certain ADUs would be affordable. Commissioners agreed there
38 needed to be incentives for a developer to build affordable apartments. Kerti noted the State did
39 not impose the allowance of ADUs in smaller cities, which indicates there are reasons why the
40 requirement might not be appropriate to smaller communities.

42 Commissioners discussed how to reply to the Council's request to look into the possibility of having
43 ADUs. Anderson indicated she would draft a memo to be discussed at the next work session.

45 **IV. Clear Vision Standards**

46 Anderson explained this issue arose when Doug Connor asked about hedge height in the yard
47 setback area. The City Attorney noted the language on limiting fence, hedge and wall heights in
48 the required yard setback area was in the wrong section of the code. In the current location of
49 9.52.030, it only applies to "accessory uses," and it needs to apply to all uses. Lewis noted the
50 proposed language for Chapter 9.64 would apply everywhere in the City. Anderson asked if the
51 clear sight area should apply to driveways as well as streets, noting Chapter 9.64 is directed at two

1 intersecting streets. Anderson suggested the Commission continue this discussion at the next
2 work session.

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4 Urban adjourned the work session at 3:58 pm.
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10 Ron Urban, Vice-Chair

_____ Date

11 Minutes prepared by H H Anderson on August 14, 2018.
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