YACHATS PLANNING COMMISSION
July 17, 2018

Work Session Draft 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, and James Kerti, 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 is 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

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

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

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

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

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

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

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

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

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

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

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

III. ADU Draft Ordinance

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

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

Urban reopened the work session at 3:30 pm.

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

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

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

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

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

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

IV. Clear Vision Standards

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

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

Urban adjourned the work session at 3:58 pm.

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Ron Urban, Vice-Chair Date

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