

City of Bandon

CITY COUNCIL AGENDA DOCUMENTATION	DATE: December 3, 2018
SUBJECT: Planning Commission Meeting Minutes	ITEM NO: 6.2.1

BACKGROUND:

Meeting Minutes of the Planning Commission as submitted by Richard Taylor, Minutes Clerk.

- October 25, 2018 – Regular Meeting

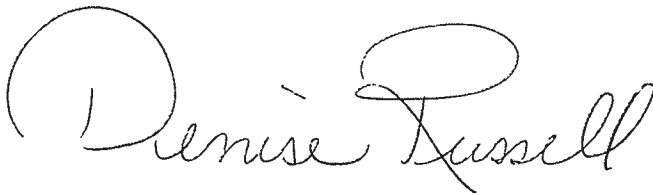
FISCAL IMPACT:

None

RECOMMENDATION:

For information only.

SUBMITTED BY:

A handwritten signature in cursive script that reads "Denise Russell". The signature is written in black ink and is positioned above a horizontal line.

Denise Russell, *City Recorder*

**Regular Meeting of the Planning Commission
at Bandon City Hall
October 25, 2018**

COMMISSION:

- ☒ David Kimes, Chair
- ☒ Sheryl Bremmer, Vice Chair
- ☒ Sally Jurkowski, Commissioner
- ☒ Donald Starbuck Commissioner
- ☒ Paul Fisher, Commissioner
- ☒ Gerald Slothower, Commissioner
- ☒ Blythe Tiffany, Commissioner

STAFF:

- ☒ John McLaughlin, Planning Director
- ☒ Fred Carleton, City Attorney
- ☐ Dana Nichols, City Planner
- ☐ Megan Lawrence, Planning Assistant

1.0 CALL TO ORDER

Kimes called the meeting to order at 7:15 p.m., following a short delay. Roll Call was taken as indicated above.

2.0 CONSENT AGENDA

2.1 Regular Planning Commission Meeting Minutes—September 27, 2018

2.2 Work Session Planning Commission Meeting Minutes—September 27, 2018

Bremmer moved to approve the consent agenda for the September 27, 2018, Regular Planning Commission Meeting and the September 27, 2018, Work Session Planning Commission Meeting. The motion was seconded by Starbuck and was approved with no corrections or additions. The vote was 6:0:1 (Tiffany abstained).

3.0 PUBLIC COMMENTS—Opportunity for Citizens to speak on issues not on the Agenda

Joni Keller, 857 Lincoln Avenue SW, Bandon, OR 97411

Keller expressed her concerns that a site for the proposed pool has already been chosen in the City Park, that the taxpaying citizens do not know of it, and that one supposedly unknown person is dictating to the City where to build a 2,000-square-foot aquatic center. In the paper, she has read a complaint that there are some unsigned flyers going around the city. She would like to know if any of the information is false or misleading. Keller feels that one person who is gifting \$2.5 million—but only if the aquatic center is built in the City Park—seems to be dictating policy to the City Council.

Dan Green, 850 11th Street SW, Bandon, OR 97411

Representing the pool committee, Green stated that the committee does not know of any plan having been approved to build the pool in the park, and he wished to dispel the rumor to that effect. The person who is offering to make a gift to the City for the purpose of building a pool had originally offered \$350,000, with the idea of obtaining a matching grant. Green suggested the anonymous donor might be having qualms about making the donation, after some of the

unneighborly things that have recently been said about him. Green further asserted that he has not seen any sign that the unnamed individual has any intent to dictate, and from what he has observed, the City Council is not a council that can be dictated to. He noted three letters in the newspaper this morning that reflect a rise in negativity since it has begun to look possible for a pool to be built.

Arlene Esqueda, 855 Jackson Avenue SW, Bandon, OR 97411

Esqueda also addressed the proposed pool. She voiced concerns over the City's potential liability issues, and the difficulty this small community will have maintaining funding for the pool's operating expenses, leaving the City's taxpayers responsible for keeping the pool open and successful. She attributes rumors that are circulating to the fact that City staff has spent time surveying sites for the pool, demonstrating that City time and money is already being devoted to help the pool be built in the park. Letters to the editor and flyers are showing there are strong viewpoints being expressed on both sides of the pool issue, but Esqueda feels pool opponents who are concerned about its direct impact on parking and traffic in their neighborhood are being chastised for their opinions in a way that opponents of the hotel at Coquille Point were not.

Bart Taylor, 957 Seacrest Drive, Bandon, OR 97411

Taylor, a proponent of the pool, clarified that the pool committee does not have \$2.5 million but does have some money and 10 acres of land adjacent to the park, which may or may not be used, depending on what happens in the next month or so. He asserted that the \$2.5 million bequest will probably end up as sustainability money to keep the pool floating. If the pool is built, some equipment will need to be replaced after 10 years or so. The pool committee operates as a non-profit organization, and any income over what's needed to operate the facility will go into a fund to help sustain the pool. The \$2.5 million will go a long way toward attracting matching grants to help build the pool.

Responding to the criticism of the donor as "dictating" to the Council, Taylor pointed out that the person who is giving such a gift has something to say about how the money is to be spent. In Taylor's view, the park is a public entity that changes over time. He agrees with Esqueda that no one should be chastised for their opinions, and in fact you can learn a lot if you listen to other points of view. He would like to have more discourse—but more civil discourse—to help people find common ground. He concluded by urging everyone not to look at the park as being lost due to the pool, but to look at it as being enhanced.

Green interjected that there is a \$1 million cap on a municipality's liabilities.

Myra Lawson, 1404 Strawberry Drive, Bandon, OR 97411

Lawson has been involved in the pool effort for about seven years. It has been about 80 years since the last natatorium in Bandon burned down. The pool committee became a 501c3 non-profit in 2005. Originally, the pool was to be placed on school property on 11th Street. But the school district decided to withdraw its property due to liability concerns. At that point, the pool board purchased a 10-acre parcel that is part of the County "donut" bordering the park in back of the baseball field. About \$200,000 has been invested in this property, which the pool committee planned to use a location for the pool until it found out \$750,000 would be needed to access the property with an acceptable street, sidewalks, and utilities.

Lawson emphasized that a positive feasibility study has been done, showing the pool could be supported by the community, and she pointed out that the Bandon community is not just the population of 3,000 within the city limits, but up to 9,000 when you include the immediate surrounding area. A swimming pool would provide a safe place for beneficial healthy exercise and school competition; it would also serve tourists looking for a warm indoor activity. The park would provide an easy location for everyone to find the pool, and it was the location suggested by the unknown benefactor. Anyone who has purchased property near the park on Kensington, Lincoln, or 8th and 9th off Jackson would have known that those streets are current or potential access points for the park. The pool would be indoors, so it would cause little noise. It would be in an attractive, solar-paneled building. Hundreds of people have already given contributions toward building a pool, but no additional steps can be taken until a location is decided.

Kimes reminded everyone that there is nothing currently before the Planning Commission or the Planning Department about the pool.

Karen Donaldson, 736 12th Street SW, Bandon, OR 97411

Donaldson asked about the status of an application for a referendum regarding the City's vacation rental dwelling (VRD) ordinance. An item about this may have appeared in the "What's New" section on the City's website.

McLaughlin was not aware of such a referendum request but noted that the City's VRD ordinance took effect October 10, and it may be past the point for a referendum.

Carleton confirmed that a prospective petition had been taken out and the City Recorder would know its status, but nothing has been turned in with signatures yet.

4.0 PUBLIC HEARINGS

4.1 Accessory Dwelling Unit (ADU) Ordinance

Kimes noted that this is a public hearing on a legislative matter. The hearing began with McLaughlin providing a staff briefing.

The Commission has held study sessions on the proposed ADU ordinance in August and September. Accompanied by a PowerPoint presentation, McLaughlin explained that the Oregon state legislature passed a bill which became State statute ORS 197.312, requiring cities with population greater than 2,500 and counties with population greater than 15,000, wherever single family detached dwellings are allowed within their urban growth boundaries, to also allow for accessory dwelling units (ADUs). This is essentially a mandate from the state.

Responding to a letter submitted as part of the public input solicited by the City for this hearing, McLaughlin addressed the question of whether the proposed ordinance affects the City's urban growth boundary. He noted that what is being considered by the Commission applies only within Bandon's city limits. An urban growth boundary is a line that surrounds the City and areas that could be the City's future urbanized areas—over the next 20 years or more. Everything within Bandon's city limits and beyond that—including the "Donut Hole," the airport, and Sunset City as the prime areas—is considered urbanizable.

Bandon is required by State law to allow ADUs anywhere the City allows single family homes, subject to reasonable local regulations relating to siting and design. Under State statutes, all housing is considered “needed housing,” and language that regulates permitted housing must be “clear and objective.” The City must be able to administer its housing regulations in a manner that is not discretionary. In developing an ADU ordinance, Planning Department staff has proposed, and the Commissioners have discussed, standards that will allow permitted housing units to be approved within the City.

ADUs have actually been around a long time. Historically, people have had small apartments within their houses, basement or attic apartments, garage conversions, “mother-in-law units,” “granny flats,” “tiny homes,” or detached cottages. These secondary units are often created as a way to house a family member, or as a rental unit. Some examples of these were shown as part of the on-screen presentation. Over time, such units have been zoned out, and the City has developed areas of single-family residential zones, where only one single-family home is allowed on a parcel, marking a departure from patterns of housing typical of many other cities.

The Staff’s proposed ADU ordinance has been developed based on the Commission’s discussions, using language from the State’s statute to modify the City’s definition of an ADU. The ordinance will apply in Zones R-1, R-2, CD-1, CD-2, CD-3, CDR-1, and CDR-2, where R stands for residential and CD means controlled development. All of these zones within the City allow single-family homes by right, subject to setback and height requirements. Some zones have additional potential requirements for geotechnical studies based on their proximity to the ocean and certain geologic features.

In the proposed ADU ordinance, allowed uses will be listed for each zone, including references to the standards for accessory units. Although ADUs will be permitted within these zones, they will be prohibited from use as vacation rentals and are not allowed to be listed on Airbnb, VRBO, or anything similar. Conversely, an accessory dwelling will not be allowed on a lot where there is a VRD.

In its proposed language, Staff has included a suggested ADU size limitation of either 700 square feet or 50% of the primary dwelling’s floor size—whichever is smaller—in addition to the 650 square foot and 40% of floor size limits favored by some of the Commissioners at the previous Work Session. Staff recommended the same limits for an interior unit, unless it takes over an entire floor of a primary home, which the ordinance would allow without limitation. McLaughlin speculated that would not be a common type of ADU in Bandon.

Single-family dwellings in Bandon are currently required to have two off-street parking spaces, and the ADU ordinance would require one additional off-street space, unless the property already exceeds the minimum number of spaces.

Over 2,000 notices were sent to property owners prior to this Public Hearing. A number of citizens who have attended will be provided time to give testimony and recommendations to the Commission. First, Kimes solicited questions for Staff from the Commissioners.

Fisher sought clarification as to whether existing zoning requirements for minimum lot size for two separate dwellings would still apply when accessory dwellings are permitted. He wondered if duplexes will be allowed on parcels where they were not previously permitted.

McLaughlin countered that his interpretation of the statute is that an ADU is not a duplex. It is subject to the same requirements as a single-family dwelling, and it may be placed on a lot that has an existing single-family home, regardless of lot size.

Kimes added that existing setback and lot coverage restrictions will still apply to properties that add an ADU.

McLaughlin pointed out that the intent of the State's legislation is to remove barriers to allowing this type of housing to occur in communities statewide.

Jason Youmans, 1185 7th Street SW, Bandon, OR 97411

Youmans views the State's mandate as a lazy attempt to address the tragedy of not having affordable housing. The State is saying to an existing neighborhood that was founded on low density that it has no choice but to accept individuals who opt to make it a high-density community. To some, "affordable housing" connotes "Section 8 housing," and Youmans feels America's workforce housing is on the verge of becoming Section 8 housing. Rents are steadily rising, with an average of \$1200 or more in Bandon.

Youmans is convinced the City would not be going through the process of developing an ADU ordinance if it were not mandated. So, as the City goes through the process, he suggested giving consideration both to the people who are in existing low-density neighborhoods and those who need what he terms "workforce housing." He advised the Commissioners to consider the size of the accessory units and how they affect privacy in neighboring yards. He also emphasized that new detached structures are not likely to be affordable, given their huge price per square foot. Youmans would favor units that are attached to existing owner-occupied primary dwellings. He expressed sympathy for the hard-working nurses, teachers, food servers, and such who support the local tourist economy. He proposed a 450 square foot limit on ADUs on smaller single-family lots, to make it more affordable for first-time tenants; 650 on a duplex lot; and 800 on larger parcels.

Steve Miller, 3275 Golf Links Road, Bandon, OR 97411

Miller disputed the notion that adding a second dwelling to a lot doesn't make it a duplex. Existing zoning provides places in town for single-family, multiple-family, and duplex housing. He feels Portland is dictating the ADU policy to our community. To him, the idea of turning the entire urban area of Bandon in multi-family lots is ridiculous and will not alleviate rent prices. He wonders who will invest \$50 to \$100,00 to build a small home and be able to rent it at an affordable price. Miller has owned two rental homes in Bandon for 20 years and has maintained low rents, but he wouldn't build a home of any size and rent it for less than market rate. He also questioned only requiring one off-street parking space when most two-person families have more than one car.

Carleton pointed out that the State often passes mandated laws with what he calls a "sop" to local jurisdictions. In essence, the State is saying it will overstep the local "home rule" abilities in what is nominally a home-rule state. But, Carleton asserted, that is a myth. Cities have lost that power years ago. They have home-rule charter ability until the State says they don't. From what he can discern, the legislative intent of the ADU mandate is exactly what Miller said is wrong about it.

Miller responded that the only way to counteract that is for the community to put enough restrictions that are acceptable on these units that they will happen where it is acceptable and not where it is not.

Debbie Gleason, 995 Harlem Street SE, Bandon, OR 97411

Gleason is new in Bandon, having come from a more crowded area in Southern California. She owned a couple of houses there that she sold, and she wanted to buy a beach house for her son. She agreed with Youmans and Miller that rents are high here. Before she bought property here, she was looking into ADUs and was told a 6,500 to 7,000 square foot lot was a minimum size for adding an ADU. She would consider most ADUs to be aimed at an in-law or a young person who can't afford the rents. Because they help these people, she leaned toward favoring ADUs. Having owned both houses and apartment buildings, she is also aware of the effect of dense housing on property values. Gleason suggested the person who puts in an ADU bears a responsibility to locate it for least impact on neighbors.

Nancy Drew, 386 Delaware Avenue SE, Bandon, OR 97411

With experience working for a "slumlord" in California, Drew sought to share her observations about garages, sheds, "shanty-shacks," and other things that could be put in a backyard and called dwellings. Depending on their construction, she sees most of them as being unsafe and unhealthy. Sewer backup is a big problem, and septic tanks aren't inspected as they should be. Who knows how many people are living in such dwellings? In California, there might be five people there one night and ten the next. Such dwellings may use the cheapest construction. Parking, garbage, and noise become problems because there are too many people there. These places become run down, affecting the value of surrounding properties. Drew believes the City definitely needs housing. She cited the low-cost, well-constructed, first-time-homeowner type of housing that was built after World War II as a positive example. The idea of putting shanty-shacks in the backyard worries her.

Mary Woolley, 2821 Lincoln Avenue SW, Bandon, OR 97411

Woolley needed clarification as to whether the proposed ordinance would change lot coverage and setback restrictions for lots with ADUs. Kimes assured her there would not be any changes. Woolley followed by asking if CC&Rs (covenants, conditions, and restrictions) would be affected. Kimes told her the City does not enforce CC&Rs, so the Commission can't comment on them. McLaughlin added that a subdivision might not allow ADUs

Bart Taylor, 957 Seacrest Drive, Bandon, OR 97411

Taylor wondered how many homes in Bandon would qualify to have an ADU. Kimes responded that although we don't have an answer for Bandon, we do know that in Portland, which has had an ADU ordinance for close to 30 years, less than one percent of the properties have one. In Ashland, where the city has pushed the development of ADUs, the number of parcels with an ADU is less than two per cent. With around 1,700 structures in Bandon, Kimes said he would be surprised to see even 17 ADU requests.

Taylor emphasized that the State mandate does not mean any property owner has to build an accessory dwelling. Everyone has a choice to invest in an ADU or not. He stressed the difficulty of finding available homes in Bandon. He knows people who work at the hospital who are tired of losing good people because there is no place for them to live locally. Taylor feels ADU construction will provide short-term, temporary relief until better housing can be built.

Rose Bajorns, 800 Rogers Place, Bandon, OR 97411

Bajorns did not feel the option of converting space within a large home into an ADU had been addressed as much as the pros and cons of putting accessory dwellings in backyards. She also wondered if the State ADU law, as fulfilled by the City, wouldn't trump an HOA's regulations.

Starbuck pointed out that an HOA is a separate entity. Miller interjected that CC&Rs apply to private property and have been upheld in court. Kimes expressed a desire to learn more about this at another time and concluded that HOAs can do things that the City cannot.

Karen Donaldson, 736 12th Street SW, Bandon, OR 97411

Referring to a clerical error in SB 1051, Donaldson expressed concern and confusion over whether and how the State ADU legislation and proposed City ordinance applied to the City's urban growth area, speculating that the State initially intended future incorporation of ADUs into undeveloped areas, as opposed to already-developed areas within the City.

Kimes explained that the intent of the legislation is for the City's ADU regulations to apply within its city limits as well as within its urban growth boundaries. Slothower and Tiffany sought to further interpret the way a map depicts the city and its additional urban growth area. Bremmer referred Donaldson to Chapter 8 ("Urbanization"), pages 1-21 of the City's Comprehensive Plan, available on the City's website, for further explanation.

McLaughlin elaborated on the clerical error cited by Donaldson. The error did not affect cities. By mandating that counties with a population greater than 15,000 must allow ADUs, the State was contradicting its goal of discouraging urbanization in rural agricultural and forest areas. That is what necessitated corrective language specifically limiting the scope of the legislation to within urban growth boundaries.

Kimes closed the Public Hearing portion of the meeting at 8:35 p.m.

Slothower favored Youmans' idea of basing the allowable ADU size on lot size—a 450-square-foot limit on single-home lots of 5,400 or more square feet, 650 on 9,000 square foot or greater lots zoned for duplexes, and 800 square feet allowed on larger lots—those over 10,500 square feet—that could accommodate three family dwellings. He suggested this would be a way of avoiding some of the problems that have been brought up. Slothower would also prefer single-story units, which he explained would encompass a single-story unit over a garage or a single floor of a home, as well as one-story detached units.

Bremmer felt the multi-level size limits would make the ordinance too complicated. In her opinion, such limits are arbitrary and would tilt toward the affluent, when the purpose of the law is to provide affordable housing. There are already a limited number of lots in Bandon that will accommodate an accessory dwelling.

Slothower liked the concept of tying the ADU size to lot size because it would maintain a sense of proportion without letting things get out of hand.

McLaughlin confirmed with Slothower that his proposal would eliminate the component of the regulation that limits the ADU to a comparative percentage of the primary dwelling.

Slothower agreed with Kimes that an entire floor of the primary dwelling or an over-garage unit would be allowed, regardless of square footage.

Fisher sought to clarify that lots having existing vacation rental dwellings are not eligible to construct ADUs.

McLaughlin explained that VRDs do not qualify as single-family dwellings because they have been given a multiple-family conditional use designation. An existing VRD would have to revert to single-family status in order to be permitted to build an ADU.

Jurkowski agreed that VRDs should not be allowed to have an ADU. She has no problem with two-story units in areas that already have two-story structures.

Starbuck found the sliding scale proposal interesting and agreed with single-story limitations and excluding VRDs from having ADUs.

Saying simpler is better, Tiffany would tend to prefer the 650 square foot or 40% of primary dwelling floor area restriction. She leaned toward having at least one of the units on a multiple-unit property be owner-occupied, but understood that such a limitation has been discussed and determined to be problematic. Tiffany thought it would be appropriate to levy SDCs (system development charges) that are proportional to the ADU's size compared to the primary dwelling.

Having worked for the City of Bandon for many years, she has seen how conflicts can arise if accessory dwellings do not have separate utility hookups. She favored separate hookups and meters for each unit, along with whatever fees those entail. She also felt it would not be unreasonable to require an ADU's design to be compatible with its primary dwelling. Tiffany wondered, too, if some amount of separation might be required between a primary dwelling and its ADU.

McLaughlin answered that there would have to be a purpose for such a requirement for separation, beyond meeting existing building code requirements.

Kimes suggested practicality would take care of determining the proximity of an ADU. If it was planned as a rental, an owner might want more separation, but might want the ADU closer if it housed a family member.

Jurkowski added that lot size would be a factor as well.

McLaughlin asked what the public purpose would be in specifying an amount of separation between a primary dwelling and an ADU, beyond what is already required by building codes and health and safety regulations.

Slothower returned to the topic of owner occupancy. Initially, he felt positive about requiring an owner-occupied dwelling on a property that has an ADU on it. Upon reflection, he sees that might cause some complications. If an owner moves away, for example, would they have to sell the property in order for the ADU to be rented?

Kimes was bothered by the owner-occupied restriction when he considered the circumstance of an owner passing away, leaving the property in trust. Technically no one would be allowed to live there.

Tiffany enquired if the ordinance would specify that properties with VRDs are not eligible to have an ADU, and should the VRD owner wish to add an ADU, if they would have to give up the VRD status.

McLaughlin confirmed the VRD restrictions and stressed that the purpose of the ADU ordinance will be to create housing opportunities for full-time residents.

Bremmer expressed fear that the City was falling into a problem of unintended consequences. On one extreme, it is creating a slum town with these ADUs; on the other, it is going to micromanage so much that it becomes a planned community. She thinks the Commission needs to come together somewhere in the rational middle.

Bremmer liked the proposal for ADUs to be the lesser of 650 square feet or 40% of the primary dwelling floor area, but she opposed limiting their height beyond existing zoning standards. She didn't think a neighbor has the right to prevent another property owner from building within the code. The City should allow people to choose to do the right thing, and then it needs to have clear and objective standards that can be enforced when they don't. She didn't anticipate anyone building something that looks like a garden shed, and then putting a For Rent sign on it. She thought code enforcement would be responsible for ensuring that a dwelling designed for a single person doesn't end up housing fifteen.

Bremmer agreed with Tiffany that an ADU ought to be compatible in appearance with its primary dwelling. She also liked Tiffany's recommendation that SDCs and separate utility meters be required for developing an ADU. It could be expensive for the builder but could save money in the long run. She would prefer SDC fees to be set in proportion to the size of the ADU, and felt Bandon's current SDCs need to be examined, too.

McLaughlin pointed out that a study of Bandon's SDCs will be conducted at some point in the future, to update the City's plan, and that will likely involve a refinement of how they are calculated. Currently, the City charges \$13,750 for a single-family dwelling, whether it's 5,000 square feet or 1,000 square feet, and no matter how many people it may be able to house. It's not necessarily fair. But in the interim, McLaughlin suggested a reduced SDC for ADUs, applied evenly until a study is done, could be a fair approach.

From a previous work session, Kimes recalled a reference that Staff made to the SDCs in either Medford or Ashland, where the charges are based on square footage. Bandon has three SDCs: roads, sewer, and water. Kimes suggested the City could use a formula, such as \$1 per square foot for each City service, to collect nominal, reasonable fees from ADU development.

McLaughlin recommended discussing specific fees at a later hearing but noted the Commission's sentiment for applying reduced SDCs to accessory dwellings.

Because an ADU could be a portion of an existing home or garage, Kimes was hesitant to require separate meters.

Tiffany suggested, and Jurkowski agreed, that it could be stipulated that meters would be required if the ADU is a separate dwelling.

McLaughlin observed that the Commission was approaching consensus on its recommendations regarding utilities, noting that the Council will ultimately decide on what the ordinance requires.

Kimes polled the Commissioners regarding their preference for ADU size restrictions. Jurkowski liked the sliding scale approach. Fisher favored 650 square feet or 40% of the primary home. Starbuck would go with a sliding scale and 40%, with a separate metering system for a detached unit. Tiffany, Bremmer, and Kimes were in accord with the 650/40% size limits. Slothower stayed with the sliding scale fee proposal but acknowledged that the majority preferred 650/40%.

Tiffany asked if the Commissioners would see a draft of the ordinance before it goes to the Council, and if there is a timeline being followed.

McLaughlin responded that the ADU ordinance is scheduled for the Council's December meeting. Staff would have time to modify the proposed language, incorporating revisions recommended by the Commissioners, and bring the ordinance back to the Commission for review at its November 15 meeting. The Commissioners can continue their deliberations at that time.

The draft ordinance will use the 650/40% ADU size limits; will require compliance with existing requirements in each zone for height, setbacks, and lot coverage; will recommend separate electric and water meters for ADUs that are separate structures; will establish accessory dwelling SDCs that are proportional to those for a standard single-family dwelling; and could contain a non-binding directive that the design of an ADU should be compatible with the primary dwelling on the same lot.

The Commissioners discussed the pros and cons of imposing ADU design expectations, in light of the need to have clear and objective standards in the ordinance. McLaughlin noted that the Commission's goal is probably not to proscribe what the ADUs will look like. He explained that existing design feature requirements were put in place to regulate manufactured homes when they were allowed on single-family lots, to prevent the worst of minimal homes from being built—whether manufactured or site-built.

Jurkowski asserted that dictating ADU design elements would be unreasonable. The consensus was to leave out any reference to design compatibility.

Fisher suggested a “park model” would likely be the cheapest form of ADU and wondered if that type of home would qualify. Kimes said that was exactly what he thought the goal and intent of the legislation was. Fisher asked if a “tiny house” would be allowed.

Starbuck cited a restriction in existing code that says there cannot be a manufactured dwelling less than 1,000 square feet, and it has to be double-wide.

McLaughlin indicated that a site-built tiny home built to building code standards would be fine. A park model might not be okay, because it would have been built in a factory and not meet the

minimum requirements for a manufactured home. He recommended saving this topic for a future amendment, to first see how things start out after the ordinance is enacted, and to gauge the interest at that time. Before the next Commission meeting, McLaughlin will research how other communities have addressed tiny homes and park models. Park models have actually been regulated as travel trailers by the DMV (Department of Motor Vehicles).

Tiffany moved to continue the deliberation portion of the hearing until November 15. Jurkowski seconded the motion.

Fisher requested further discussion after the motion was introduced, referring the Commissioners to a letter submitted to the Commission prior to this hearing, which requested that the Public Hearing be extended.

Kimes responded that the Commission is only making a recommendation to the Council, which will also hold a hearing on the ADU ordinance. So, reopening the hearing for public comment would not be beneficial, since the public will have another opportunity to comment before the Council, prior to any final decision.

The motion was approved (6:1:0). Fisher opposed the motion.

5.0 FINDINGS OF FACTS

There were no findings of facts.

6.0 DISCUSSION/OTHER

7.0 COMMISSIONERS' COMMENTS

The Commissioners did not have additional comments, but McLaughlin reminded them that the November meeting will be a week earlier than normal due to Thanksgiving. The conditional use permit for a 32-unit Bandon Beach Hotel with parking off-site across the street and a small café on the first floor will be on the agenda, along with the revised ADU ordinance.

McLaughlin noted that on November 16, 2018, John Morgan of Morgan Consulting Services will conduct a land use training session for the City Council, Parks and Recreation Commission, and Planning Commission.

McLaughlin then surprised most of the Commissioners by announcing that he will be retiring December 14, 2018. Commissioners congratulated McLaughlin and let him know he will be missed.

8.0 ADJOURN THE REGULAR MEETING

Kimes adjourned the meeting at 9:10 p.m.

Planning Commission Regular Meeting Minutes submitted by Richard Taylor, Minutes Clerk