



City of Yachats

PLANNING COMMISSION

February 18, 2020

Approved Minutes

I. Call to Order

Chair Helen Anderson called the February 18, 2020 meeting of the Yachats Planning Commission to order at 3:00 pm in Room 1 of the Yachats Commons. Members present: Helen Anderson, Loren Dickinson, Lance Bloch, Mary Ellen O'Shaughnessey, Jacqueline Danos. Absent: Christine Orchard and Doug Conner. Staff present: City Planner Dave Mattison. Also present: COG Planner Justin Peterson. Audience: 5.

II. Announcements and Correspondence - none

III. Minutes

A. January 21, 2020 Work Session and Regular Meeting

Commissioner O'Shaughnessey moved to approve the January 21, 2020 Work Session and Regular meeting minutes as presented: Aye – 5; No – 0.

IV. Citizen's Concerns - none

V. Public Hearings

A. Bed and Breakfast Case #1-CU-PC-20 Jana Kelly

Anderson opened the hearing for case file #1-CU-PC-20 on a bed and breakfast application from Jana Kelly for 610 Lemwick Lane at 3:01 pm.

Conflicts: No Commissioner asked to abstain from voting because of possible financial gain, owning property in the notice area, having a direct personal interest, or not being able to be impartial.

Disclosures: Commissioners Dickinson, Danos, Bloch, O'Shaughnessey disclosed they have walked past the property many times. Bloch disclosed he has talked to the property owner in previous City Council meetings but not about this hearing.

Case Testimony: Planner Mattison stated there were two additional items of testimony which he provided to Commissioners. Commissioners were given time to review the new material, and concurred they had adequate time to review the materials.

1 *Process:* Anderson explained the procedure for the hearing and for public testimony. She
2 noted that once public testimony is closed, questions to the applicant or a person who
3 gave testimony will require reopening the public testimony portion.
4

5 Mattison reviewed the application for rezoning where the old Fire Station was located that
6 included four tax lots, all to be rezoned to C-1, summarized his staff report, and identified
7 the relevant sections of the Yachats Municipal Code (YMC) including:

- 8 • 9.03.030 Definitions
- 9 • 9.16.030 Conditional uses in R-2 zone
- 10 • 9.48 Off-street parking and loading
- 11 • 9.72 Conditional Uses
- 12

13 Mattison reported the applicant meets the requirements in the YMC.
14

15 Mattison read the letters received to date from:

- 16 1. Ron Sanders Griswold
- 17 2. Doug and Sherry Conner
- 18 3. Quinton and Kathy Smith
- 19

20 Mattison read the letters received to date from:

- 21 4. Ron Sanders Griswold
- 22 5. Doug and Sherry Conner
- 23 6. Quinton and Kathy Smith
- 24

25 Anderson stated that failure to raise an issue during this hearing so that the applicant has
26 the opportunity to respond to the issue precludes the right to appeal the matter to the Land
27 Use Board of Appeals based on that issue.
28

29 Anderson opened the public testimony portion of the hearing at 3:22 pm.
30

- 31 1. Jana Kelly, applicant, stated the vacation rental license will end when the property is
32 sold. Commissioners asked questions about the number of existing parking spaces
33 and the size of the garage and garage door. Kelly indicated she was not planning to
34 change the garage door or change the exterior structure of the home. Kelly clarified
35 that she was planning to purchase the property and that closing was contingent
36 upon getting the bed and breakfast permit.
- 37 2. Crystal Beal (615 Lemwick Lane) had concern about people coming onto her
38 property, how people park at the property, the buses and large vehicles that park
39 there.
- 40 3. Quinton Smith, 501 Lemwick Lane, stated having someone live at the property
41 would be an improvement but had issues with the way the parking is described in
42 the application. He did not believe there was adequate room for the parking as
43 presented.
- 44 4. Mary Reeves (551 Lemwick Lane) stated the safety light by the garage is extremely
45 bright and asked the owner to address that.
- 46 5. John Moore (514 Lemwick Lane) believed that having someone onsite would be an
47 improvement.

1 6. Maggie Marshall (500 Lemwick Lane) had concerns about the parking and did not
2 believe the garage could fit a double door. She stated that the driveway indicated
3 on the map was only a narrow, graveled path and did not think there was room for
4 parking in the back.

5
6 Anderson closed the public testimony portion of the hearing at 3:38 pm.

7
8 Commissioners believed they had the information they needed to deliberate and make a
9 decision.

10
11 Dickinson had concern about the parking. Mattison clarified there were seven required
12 parking spaces. Commissioners agreed the garage could not accommodate two cars.
13 Danos had concern that with all of the parking, the home would not look like a residence.
14 Bloch noted the gravel portion on the west side of the property only extends to the edge of
15 the house. Mattison clarified that the property had never had a variance.

16
17 Commissioners discussed the definition of an off-street parking space from 9.04.030 that,
18 “Required off-street parking spaces shall not be located within a required yard that abuts a
19 street.” Mattison believed since the requirement was in the definition, it would not apply.
20 Anderson strongly believed anything stipulated in the code was a requirement. Mattison
21 noted that this requirement had previously not been enforced. Commissioners agreed that
22 this policy was acceptable.

23
24 Commissioners clarified that Mattison had walked the site and believed the parking spaces
25 indicated were feasible within the property. Mattison noted that landscaping could be
26 required to make the property look more residential.

27
28 Commissioners agreed that one car in the garage, one car in the gravel drive, and five
29 cars in the front met the parking requirements and that a car could back into the road from
30 the gravel drive but not the front lot.

31
32 Commissioners discussed the reality of putting five cars in the front, whether a variance
33 could be granted for less parking, and whether the rooms to rent should be reduced to only
34 have four spaces in the front. The majority believed that a variance was not appropriate
35 and that the spaces indicated in the application meet the requirement, provided there was
36 adequate space.

37
38 Mattison suggested requiring landscaping to soften the appearance. Commissioners
39 agreed that there should be a requirement to have landscaping along the front edge
40 (north) of the property to improve the appearance and to help delineate the ingress/egress
41 portion of the parking area. Bloch clarified that Kelly planned to add parking bumpers to
42 indicate where the spaces were.

43
44 Dickinson asked to add clarifying language to Condition 8 that five of the spaces are to be
45 maintained for guest parking, two are for the resident, and spaces should be clearly
46 delineated on the ground.

1 Bloch moved to approve the bed and breakfast application case #1-CU-PC-20, given that
2 the additional conditions discussed above are met, and to have the Planner prepare the
3 findings: Aye – 5; No – 0.

4
5 Anderson closed the public hearing on case #1-CU-PC-20 at 2:59 pm.

6
7 **B. Zoning Change Case #2-ZC-PC19 , Yachats Rural Fire Protection District**

8 Anderson opened the hearing for case file #2-ZC-PC19 on a bed and breakfast application
9 from the Yachats Rural Fire Protection District (YRFPD) for rezoning four tax lots at 4:00
10 pm.

11
12 *Conflicts:* No Commissioner asked to abstain from voting because of possible financial
13 gain, owning property in the notice area, having a direct personal interest, or not being
14 able to be impartial.

15
16 *Disclosures:* All Commissioners disclosed they have walked past the property many times.
17 Dickinson disclosed he has spoken to people from YRFPD, but not about this project.

18
19 *Case Testimony:* Planner Mattison stated that all testimony to date has been submitted
20 and Commissioners indicated they have had adequate time to review the testimony.

21
22 *Process:* Anderson explained the procedure for the hearing and for public testimony. She
23 noted that once public testimony is closed, questions to the applicant or a person who
24 gave testimony will require reopening the public testimony portion.

25
26 Mattison reviewed the application for a five-bedroom bed and breakfast establishment
27 which will require seven off-street parking places, summarized, his staff report, and
28 identified the relevant sections of the Yachats Municipal Code (YMC) including:

- 29 • 9.03.030 Definitions
- 30 • 9.20 R-3 Residential zone
- 31 • 9.28 C-1 Retail commercial zone
- 32 • 9.40 P-F Public facilities zone
- 33 • 9.84.030 Amendment to a zoning map

34
35 Mattison identified the relevant state requirements including:

- 36 • ORS 197.250 Compliance with statewide planning goals
- 37 • ORS 197.610 Submission of proposed changes
- 38 • ORS 227.186 Notice to property owners
- 39 • OAR 660-103-0010 Acknowledgement procedures and notice
- 40 • OAR 660-012-0060 Plan and land use regulation amendments
- 41 • OAR 660-025-0010 Periodic review
- 42 • Goal 1 – Goal 19 of State Goals

43
44 Mattison identified the relevant sections of Goals E, H, I, and J from the Yachats
45 Comprehensive Plan.

46
47 Mattison reported the applicant meets the requirements outlined above.

1 Mattison explained the Planning Commission would make its recommendation to Council,
2 Council would have a public hearing and a second reading. Mattison noted the 120-day
3 clock will end on March 18, 2020.

4
5 Mattison reported the driveway on the west side of the properties under review is used by
6 the residents to the west of the driveway and those residents want to ensure that access
7 remains. The property to the north also wants to ensure access to her property from this
8 driveway.

9
10 Mattison summarized the additional testimony from:

- 11 1. Bonnie and Paul Solonika
- 12 2. Dave Buckwald, Yachats Wastewater Treatment Plan Operator

13
14 Mattison highlighted the relevant items from the Comprehensive Plan and explained how
15 this application adheres to the Plan due to the relocation of the Fire Station.

16
17 Anderson stated that failure to raise an issue during this hearing so that the applicant has
18 the opportunity to respond to the issue precludes the right to appeal the matter to the Land
19 Use Board of Appeals based on that issue.

20
21 Anderson opened the public testimony portion of the hearing at 4:18 pm.

- 22
23 1. Katherine Guenther, Board Member YRFPD/applicant, emphasized that the C-1
24 zoning does allow for the development of residential dwellings. She highlighted that
25 Lincoln County already considers three of the four properties as commercial uses
26 as indicated in the property reports and that the fourth property was less restrictive
27 than adjoining properties. She suggested parking requirements would significantly
28 limit any large commercial operation such as a restaurant or bar.
- 29
30 2. Frankie Petrick, YRFPD Fire Chief, provided history on the garage, shed, and
31 encroachments between the properties under consideration and the private property
32 to the north. She explained the line for the tax lot was likely drawn without
33 surveying the garage built in 1926, so the garage encroaches onto the adjoining
34 property. She explained to the property owner, Mrs. Hanover, that the portion of the
35 garage that encroaches will be removed. Petrick explained there was an easement
36 to that property to the north along the driveway on the west end of the properties
37 under consideration. She added that the west residents cannot block the easement
38 to the north property. She believed the easement was twelve feet wide. Guenther
39 added that they will get the legal recording for the easement to the west should they
40 learn it was not documented when they get the title report. Petrick explained the
41 history with the water lines and suggested that it should be addressed when the
42 new use of the property is determined and as a condition of the sale, rather than
43 doing the demolition work needed to address the leak now.
- 44
45 3. Morgan Brodie (258 W 2nd Street) asked whether neighbors would have input on
46 how the property is used if it were zoned C-1. Mattison explained that they would
47 not unless there was a variance needed for the development or use. Petrick noted
48 the issue with lack of parking that would limit the type of development. Guenther

1 stated that people could state their preferences to the YRFPD Board on how the
2 property should be used.

3
4 Anderson asked Petrick to elaborate on the water issue. Petrick explained the fix is the
5 responsibility of YRFPD, but it did not make sense to do the work needed to further identify
6 the problem and correct it now before they knew how a future owner planned to use the
7 property. She suggested the matter be a disclosure in the sale of the property.

8
9 Anderson closed the public testimony portion of the hearing at 4:34 pm.

10
11 Bloch stated that, as long as the easements were addressed and the water issue would be
12 addressed, he did not see any issues with the rezoning.

13
14 Danos had concern about getting adequate citizen involvement in the process given all the
15 changes going on with the City. She speculated that the afterschool program could benefit
16 from moving from the basement to a P-F property. She also stressed the importance of
17 getting more workforce housing. Planner Peterson stated the C-1 zoning allows for any
18 type of housing. Anderson noted that the Commission would only be making a
19 recommendation to Council, who would then have another hearing.

20
21 Dickinson stated his biggest concern was about the easements. He suggested that this be
22 included in the conditions.

23
24 Bloch moved to recommend to the City Council that the zoning of these properties be
25 changed to C-1 with the understanding that the easements will be legally established and
26 the sewer line issues are disclosed: Aye – 5; No – 0.

27
28 Anderson closed the public hearing on case #2-ZC-PC19 at 4:46 pm.

29
30 **VII. Business**

31 **A. Commons Front Reader Board**

32 Anderson explained how the condition of the front reader board was deteriorating and how
33 the Facilities Manager has to climb a ladder in dangerous weather to change the tiles. She
34 noted that the Commission revised the sign code to exclude digital signs. Danos stated
35 her husband had a contact that could make a recommendation on an appropriate sign.
36 Anderson asked Commissioners about possibly changing the sign code to allow for a
37 specific type of digital sign. Commissions expressed great disfavor about altering the code
38 they just created. Bloch suggested they first try to find something that is not digital to
39 serve the need. Dickinson also emphasized that additional research be done first.

40
41 **VII. Planner's Report**

42 Mattison indicated he did not have a written report this month. He stated there were two
43 new housing permit requests this month.

44
45 **VIII. Other Business**

46 **A. From the Commission**

Peterson stated the was working on the Natural Hazards Mitigation Plan. He wanted a representative from the Planning Commission to help with the action items at a meeting scheduled for next week. Danos indicated she would attend.

B. From Staff - none

Anderson adjourned the meeting at 4:55 pm.

Helen Anderson, Chair

Date

Minutes prepared by H H Anderson on March 5, 2020.