

1. 2:00 P.M. Agenda

Documents:

[2022-05-17 Planning Commission Agenda.pdf](#)

2. 2:00 P.M. Meeting Materials

Documents:

[HNA And HPS Complete Update.pdf](#)

[YMC-Revisions-COMPOSITE-Version-05-11-2022.Pdf](#)

[Zoning And Land Use Purpose.pdf](#)

[Tod Davies Application.pdf](#)

[Building Activity 5-15-22.Pdf](#)

[Meeting Summary 4.19.22 Planning.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Yachats OR
Tuesday May 17, 2022, at 2:00 pm
Public Meeting via ZOOM Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/88553805590>

Meeting ID: 885 5380 5590

One tap mobile

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Find your local number: <https://us02web.zoom.us/j/88553805590>

Work Session

- I. Parking workshop report – Loren
- II. Boardwalk Project report – Loren
- III. Housing Needs Analysis - Jacqueline
- IV. Small, code clarifying changes to Title 9

Regular Meeting
(Immediately to Follow Work Session)

- V. Call to Order
- VI. Announcements and Correspondence

This meeting is open to the public and all interested persons are invited to attend the ZOOM Meetings. 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. The minutes of this meeting is the Audio Tape which will added to the packet after the meeting within 24 hours. 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; 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) two days in advance.



Citizen Concerns

- VIII. New Business
 - a. Interview Tod Davies for the Planning Commission
- IX. Old Business
- X. Planner Report
 - a. Monthly planner report
 - b. Adobe sale and development plan
 - c. Fences, Hedges, & Walls status
- XI. Other Business
 - a. From the Commission
 - b. From staff

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May 17, 2022

To: Yachats Planning Commission

From: Jacqueline Danos

Re: Update on HNA & HPS Grants

The first meeting of the Project management Team included the following participants from Yachats:

- The following people from Yachats Project Management Team have responded as to date and time availability and have been invited:
 - Council Member, Mary Ellen O'Shaughnessy
 - Kathryn Guenther, Yachats City Planner
 - Jacqueline Danos, Planning Commissioner
- Next meeting of the Project Management Team is scheduled for May 25, 2022. Invitations were sent to:
 - Council Member, Mary Ellen O'Shaughnessy
 - Heidi Lambert, Yachats City Manager
 - Kathryn Guenther, Yachats City Planner
 - Jacqueline Danos, Planning Commissioner
 - John Theilacker, Planning Commissioner

The purpose of this upcoming meeting will be to review the draft Housing Needs Projection. We will be joined by FCS Group (<https://fcsgroup.com/profile/>) the contractor handling the Housing Needs section of the grant.

At the first meeting a preliminary map of the Buildable Lands Inventory was reviewed. Katherine Guenther, Yachats City Planner, said she was impressed by the work generated thus far and would add notes on specific properties to the online inventory map.

Attached are the meeting notes that Cascadia Partners sent as well as a PDF of a PowerPoint presentation Yachats can use as part of the Citizen Engagement plan. My recommendation is for the Project Management Team to reach out to local organizations so we can use this presentation as the first step in answering any questions the community has about what these grants are and why Yachats is undertaking the work.

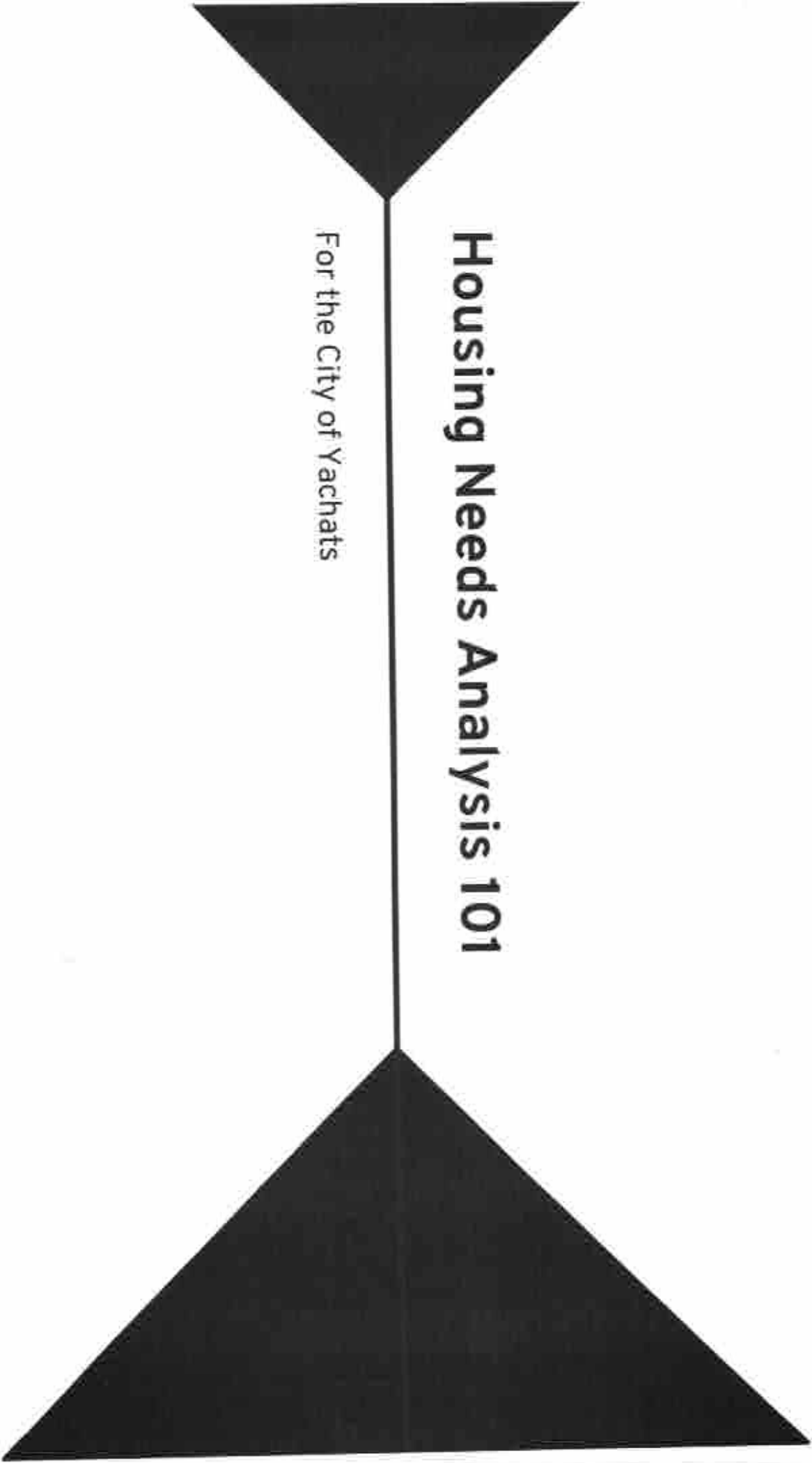


MEETING NOTES

MEETING: Yachats PMT Meeting 1
PROJECT: Yachats HNA
DATE: 04/22/22
ATTENDEES: Rachel Cotton, Jamin Kimmell, Katherine Guenther, Mary Ellen O'Shaughnessey, Hul Rodomsky, Jacqueline Danos

Discussion & Agreements	Action Item(s)
Draft Buildable Land Inventory • Cascadia Partners (CP) presented the methodology of the BLI • Jacqueline question: Were there many lots that fit the partially vacant? Rachel responded that yes there are a significant number of lots over ½ acre with land left to subdivide. • CP presented the key findings of the BLI in terms of buildable acres and housing units and reviewed BLI maps. • The group discussed several specific areas and topics pertaining to the BLI: ◦ Fire district lot on north side of town: some boundary changes recent; staff will follow up with info via map comments ◦ Staff suggested that areas considered not buildable due to steep slopes have been built on and perhaps the threshold of 25% slope is too low. CP responded that there are advantages to classifying those areas as unbuildable in this analysis because they are less practical and economical to build in many cases. ◦ Single-family houses in multi-family and commercial zones - staff commented that many have been built and have made it difficult to build multi-family with remaining lots. CP suggested considering minimum density standards or other zoning changes to address the issue. ◦ The minimum lot areas required in multi-family zones may be too high to allow dense infill development. ◦ Larger 30 acre parcel off Yachats River Road in SE part of city - there was a proposal to build about 22 homes at one point but never materialized. Difficult to serve with water.	☐ City: Review draft BLI webmap and add comments (City) ☐ CP: Continue to refine BLI map for final version

▫ Parcel off Crestview Road; also difficult to serve, but development had been proposed. A portion is outside the UGB.	
Engagement Updates • Rachel presented that CP has prepared a Housing Needs Analysis 101 slide presentation. City staff can use this slide deck to present information about the project to the public.	☐ City: Review slide deck and reach out to CP with any questions on how to use it or requests for additional materials for community engagement.
Next Steps • Rachel reviewed the project schedule moving forward. • Jacqueline asked if the housing need projections will be informed by interviews or feedback with local residents and business owners. CP responded that it is primarily based on quantitative data but can be supplemented by this qualitative feedback. • The team identified the need to come up with a plan to collect additional feedback beyond what will be collected during the community meeting. • The next PMT meeting will occur in late May. The draft housing needs projections will be reviewed at that time.	☐ Identify ways to collect additional input from the community (CP and City) ☐ Prepare draft Housing Needs Projection (CP and FCS Group) ☐ CP: Schedule PMT #2



Housing Needs Analysis 101

For the City of Yachats

What are Yachats' Housing Needs?

No matter if you are a renter or looking to own, housing in Oregon is becoming less affordable, available, and attainable. Currently, there are limited housing options to meet the needs for both existing and future residents of Yachats, and there is no established roadmap for understanding and determining the types of housing that are most needed, and to what degree.

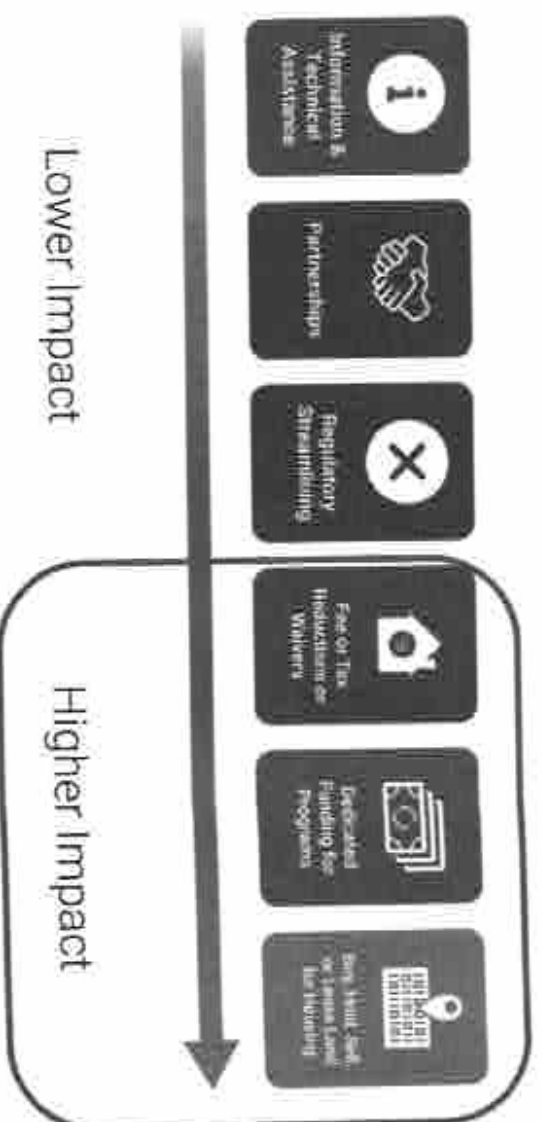
Luckily, the City of Yachats has been awarded funding through the State of Oregon to tackle this problem by (1) evaluating the cities' housing needs and (2) identifying actions and solutions to address those housing needs.

This process is called a Housing Needs Analysis (HNA).



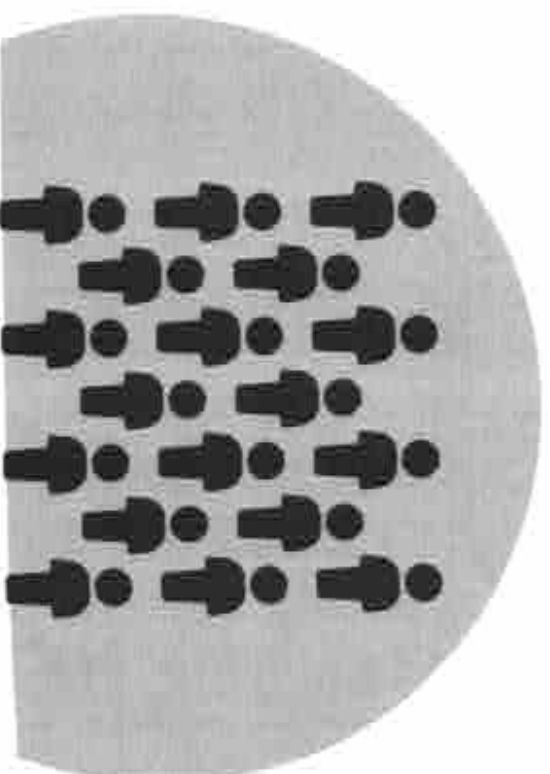
What is a Housing Needs Analysis (HNA)?

A Housing Needs Analysis (HNA) is a study of a city's existing and future housing needs. The HNA is used to determine if the city has enough land zoned for housing to meet projected needs over 20 years. It also helps a city determine if more land is needed for specific type(s) of housing, such as apartments or single-family detached houses. Further, the findings of an HNA help the city to identify actions and solutions to facilitate development of the housing that is needed, such as zoning changes or incentive programs.



Which jurisdictions are required to conduct a Housing Needs Analysis?

- **HB 2003 requires cities in Oregon with a population greater than 10,000 to analyze what housing is needed for current and future residents and update a local Housing Needs Analysis (HNA) every six to eight years.**
- The bill also requires each city to adopt a housing production strategy within a year of completing the analysis.
- The strategy must list specific actions the city will take to promote the development of all identified housing needs – such as revising regulations or providing financial incentives.



Pop. = 10k+

Why is Yachats creating these plans if they are not required by the state?

- Though the City of Yachats is not required by the state to produce a Housing Needs Analysis or a Housing Production Strategy, the city was awarded a technical assistance grant through the Department of Land Conservation and Development (DLCDD) to produce its first Housing Needs Analysis.
- The goals of this project include developing an updated understanding of what housing is needed for current and future residents and recommending a set of actions for the cities to take to promote the development of all identified housing needs.



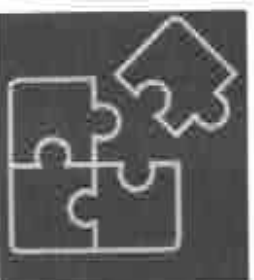
OREGON
Department of
Land Conservation
& Development

**TECHNICAL
ASSISTANCE GRANT**

How will the public be engaged in the process?

Equitable public engagement and involvement are integral to the success of this project.

The primary public engagement objectives are to:



Collaborate with community

partners to involve a broad spectrum of the community in the planning process in advancing equitable access to housing.



Lay the groundwork for

updating tools, actions and policies to be responsive to the needs of Yachats.



Understand the community's

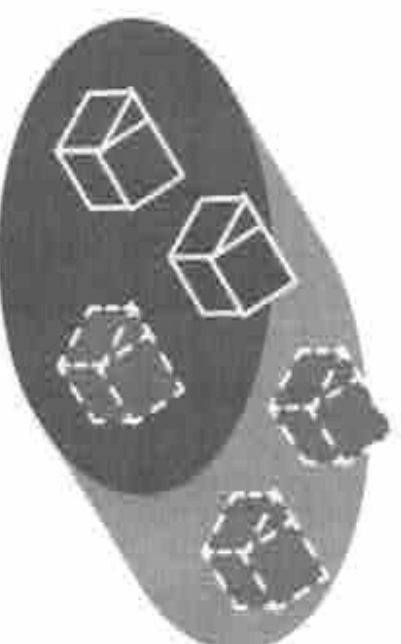
priorities and concerns with regard to potential changes that may take place as a result of measures identified to accommodate needed housing.

These goals will be met through a range of engagement techniques, such as public open houses, small group meetings, surveys, and meetings of the Planning Commission and City Council.

What will happen after the HNA is complete and adopted by the cities?

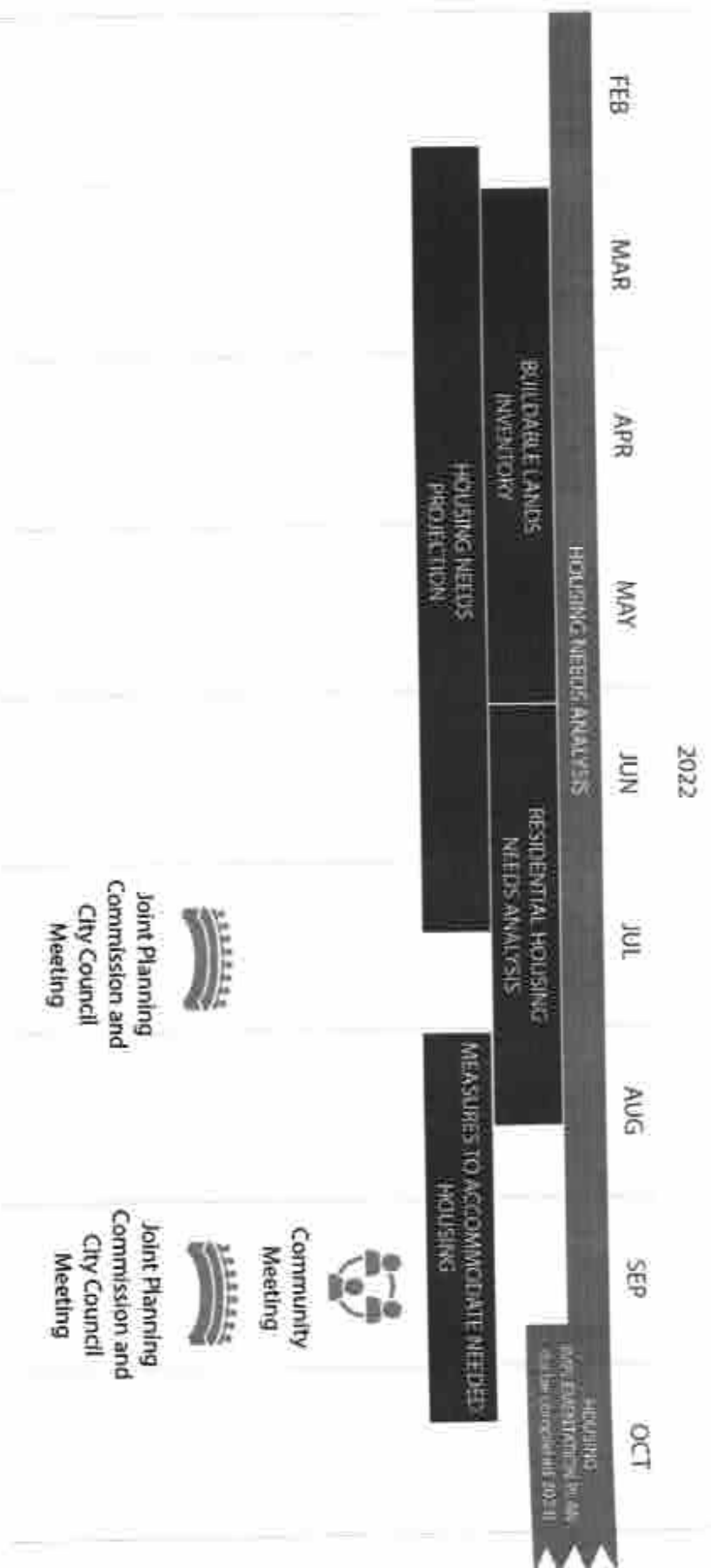
- Once the HNA has been adopted, **the city will begin to implement actions and changes that were identified in the plan.**
- This may include additional planning processes, initiating a zoning code update, rezoning certain areas, applying to the state for an expansion of the urban growth boundary, establishing incentive programs, and other actions.
- **Each of these actions will involve additional public outreach and engagement and the actions will be implemented over several months or years.**

Plan to accommodate needed housing on a regular schedule



Housing Needs/Capacity
Analysis (HNA)

What is the project timeline?



How can you be involved?



As a **Project Team member**, you can:

- Participate in future HNA Project Management Meetings (PMT) to stay informed of the project's progress.
- Help with implementation of the *Public Involvement Plan*- asking Yachats residents about their housing needs and ideas for actions the cities could take.



As an **City Councilor, Planning Commissioner or Member of the Public**, you can:

- Attend up to 3 public meetings between July - September 2022.
- Help provide important representation and perspectives on Yachats' housing needs.
- Be briefed and provide feedback on key milestones and deliverables of the project/process.

COMPOSITE LIST OF PROPOSED YMC REVISIONS

Version 05-11-2022

AUTHORS (colors indicate author)

Dickinson 12-21-2022 – **Danos** 03-01-2022 – **Theilacker** 03-05-2022 –

Other Author and date of comment as noted

Date of comment as noted above – *except later comment as specifically noted below*

GENERAL COMMENTS:

Dickinson: Items with an asterisk * would be intended to add aesthetic conditions to individual sections, without having to write a separate Architectural Design Standards ordinance. There are probably several other Ordinance Sections which could be easily added to or modified to enact additional enhancement standards without causing undue hardship on the public. These could include landscaping, screening, etc.

Danos: Reviewing the code, definitions need to be revised for several areas within the code to be better comprehended. My first recommendations would be to revise the following within the DEFINITIONS section of the code:

Theilacker: *The following comments are based on my review of Title 9, Zoning and Land Use of the Yachats Municipal Code, and limited observation of local building and development. I believe it would be very helpful for the Planning Commission to review some number (10?) of recently approved building permits for new development in the City and visit those sites where development has since occurred, or is occurring, to see the results. That would allow us to evaluate: a) is the site developed to our zoning requirements, and b) are there site or development components that could be better addressed through new or amended ordinance provisions?*

A. DEFINITIONS - YMC 9.04.030

Comment John Ayer 3-19-2022: Recommendation that definitions for or related to “Dwellings” be grouped, rather than spread out in alphabetical order. **Dickinson** comment 5-11-2022: *This could be said of all sub-definitions in a particular family, i.e. “Lots”, “lot lines”, etc. Lincoln County generally organizes their zoning ordinance definitions in this manner. If generalized in YMC, it would require substantial revision of the Definitions, but may be of some clarifying benefit and should be considered.*

Consider adding **"ACCESSORY DWELLING UNIT"** At the moment the code has a definition for an **"ACCESSORY STRUCTURE or ACCESSORY USE"** but does not have a definition for an ADU.

"ACCESSORY STRUCTURE OR ACCESSORY USE": Means a structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use. Currently ADUs allowed in R-3, R-4 and C-1 zones. They are not listed under Permitted Uses for any zone using the wording "Accessory Dwelling Unit" which is the wording best currently understood for an accessory building installed on a property for use as residential or as an office/studio.

Sample definitions:

"ACCESSORY DWELLING UNIT (ADU)": Means a habitable living unit added to, created within, or detached from a primary single-family dwelling and contained on one lot.

"ACCESSORY DWELLING UNIT (ADU)": Means a residential living unit on the same parcel as a single-family dwelling or a multifamily structure. The ADU provides complete independent living facilities for one or more persons. It may take various forms: a detached unit; a unit that is part of an accessory structure, such as a detached garage; or a unit that is part of an expanded or remodeled single-family unit or a unit in a multifamily dwelling.

"APARTMENT":

Current Definition: Means a dwelling unit as defined in this section.

Revised Definition Suggestion:

"APARTMENT": Dwelling unit, which includes at least a sleeping area, full bath and kitchen rented for a fixed amount and time.

"Building Code" (add) – suggested: "means applicable building, fire and safety codes adopted by state, county and municipal agencies in which the subject property is located." Or similar wording.

"Building Coverage" see comments for **"Lot Coverage"** below

"Clear Vision" (add) – is used several places within Title 9. Reference Ordinance section or write?

Consider adding "COTTAGE CLUSTER"

Samples:

"COTTAGE CLUSTER" means a residential development containing a cohesive cluster of small dwelling units gathered around one or more Common Green Spaces. Cottage cluster may also have shared community garden plots, recreation facilities, and other ancillary uses.

“COTTAGE CLUSTER” means a grouping of no fewer than three detached dwelling units on the same lot of record, with each dwelling unit having a footprint of less than 900 square feet, all dwellings sharing a common area on the lot of record, and internal ADA- compliant pathways connecting each dwelling to common space, vehicle parking, and sidewalks.

“DECK/PORCH”

Current Definition: Means an outside walking area, the floor of which is elevated more than eight (8) inches from grade.

Revised suggestion: Separate the two words and add a definition for “PATIO” This can help clarify and assist in including the need for permeable paving as well as what is included in lot coverage allowed.

Definition Suggestions:

“DECK”: A flat surface capable of supporting weight, similar to a floor, but typically constructed outdoors, often elevated from the ground, and usually connected to a building.

“Deck”: Means an unenclosed amenity area or platform that may be attached to a dwelling and is intended for the purpose of outdoor dining, lounging and other similar accessory residential use.

“HEIGHT OF BUILDING”

Current definition: means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade. To determine building height, calculate the average building height for each side: Add the shortest building height and the tallest building height, then divide the two (2) building heights by two (2). Add together the average height for each side and divide by the number of sides.

Revised Definition suggestion:

“HEIGHT OF BUILDING”: Building height means the vertical distance measured from the average between the highest to lowest natural/existing or proposed lot grades around the perimeter of the structure to the highest point of the roof. When determining whether to utilize existing or proposed grade, whichever is most restrictive and results in the lowest allowed building

“Hotel” (revise?) – consider adding descriptions “on-site staff for check-in and management, cleaning. Does not have kitchen facilities.”? Definition could be made clearer. Research other cities’ & county definitions.

“HOTEL” and “MOTEL” currently the code has two different definitions, and it does have a separate definition for an **“APARTMENT HOTEL”** which is:

"APARTMENT HOTEL" means a building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units but excluding all facilities coming within the definition of "bed and breakfast facility."

Current definition: "Hotel" means any building containing guest rooms which are rented or hired out to be occupied for sleeping purposes for guests, excluding any facility which meets the definition of "bed and breakfast facility."

"Motel" means a series of sleeping units, each having a separate entrance, composed of one or more bedrooms and bathroom, excluding any facility which meets the definition of "bed and breakfast facility."

Revised Definition Suggestions:

"HOTEL or MOTEL" means a facility with guest rooms or suites, with or without kitchen facilities, rented to the general public for transient lodging. Hotels typically include a variety of services in addition to lodging, for example, restaurants, meeting facilities, personal services, etc.

"HOTEL": Means any structure or any portion of any structure containing three or more units, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house.

The term **"Lot Coverage"** is somewhat misleading, and might be more appropriately termed "Building Coverage". Under the current zoning provisions, any residentially or commercially zoned lot can be covered up to 100% with impervious surfaces. A lot which is fully covered with impervious surfaces is not likely to address stormwater runoff, which can impact abutting lots. A newly defined "Lot Coverage", or "Maximum Impervious Coverage" standard should be added to all of the residential and commercial districts which limits the extent of total lot coverage, and instead allowing stormwater due to development to be infiltrated, detained, or absorbed on-site.

"Lot Line, Street Side" (add) – describes side lot line at abutting street. Research other cities' & county definitions. *Dickinson comment 5-12-2022: This might require further definition of the main heading of "Lot", i.e. adding "Corner Lot".*

Multi-Family JD recommended 3-19-2022: Add a definition for multi-family units with individual bedrooms and bathrooms, but that have common living, dining & kitchen areas.

"PATIO": a paved outdoor area adjoining a house.

"PATIO": An area consisting of natural or man-made material constructed at or near grade level, intended for use as an outdoor living area, and not enclosed by a permanent roof or awning.

"Parking Space" (revise) – delete last sentence "Required off-street parking shall not be located in a required yard that abuts a street" – this requirement belongs in Parking 9,48., if it is truly applicable to all zoning districts. If it is applicable only to the Commercial zone, it belongs within that zone's Standards.

"Parking Space, Accessible" (add) – Needed to make reference to ADA requirements, and proposed new paragraph in C., below.

The term **"RECREATIONAL VEHICLE"** appears in several locations within the code. Without clarifying definition as what a "recreational vehicle" is anything from a 10' pull behind trailer to a 50' vehicle would fall under the term "recreational vehicle".

Suggestions for Additional Recreational Vehicle definitions:

"Recreational Vehicles" (RVs) shall be defined as campers, camping tents, travel trailers, motor homes, boats, or similar recreational vehicles. Boats must be on a trailer, except for non-motorized personal watercraft.

"Motorized recreational vehicle" means a motor home built on a truck or bus chassis or a van chassis which usually has a section overhanging the cab. All these vehicles are powered by internal combustion engines that run on gasoline, diesel, batteries or other fuel. Van campers and pickup truck campers are excluded from the recreational vehicle definition. Inoperative vehicles are prohibited.

"Non-motorized recreational vehicle" means a conventional travel trailer, or a fifth wheel trailer utilized for recreational purposes and designed to be towed by a vehicle. Boats, horse trailers, utility trailers for storing recreational equipment or other equipment and all-terrain vehicles stored on trailers utilized for recreational purposes are considered non-motorized recreational vehicles. Pickup truck camper shells which have been removed from the vehicle and stored are considered non-motorized recreational vehicles and shall conform to the provisions of this title

"Oversized Recreational Vehicle" an oversized vehicle is any vehicle, which exceeds any of the following dimensions: twenty (20) feet in length, nine (9) feet in height or seven (7) feet in width. Motor homes and recreational vehicles exceeding these measurements are examples of oversized vehicles.

"Off-Highway Recreational Vehicle" (OHRV) shall be defined as jet skis, four-wheelers, or snowmobiles, or similar off-highway recreational vehicles, and may be on a trailer or not.

"PORCH": Is an open structure that has breathable walls, but protection above it, usually, a covered shelter projecting in front of the entrance of a building.

JD recommended 3-19-2022: Add definition for **"Tiny Houses"**

"Yard" (clarify) – contains reference to a "court", but "court" not defined. Is a definition for "court" needed (research others' definitions)?

"Yard, Street Side" (add) – describes side yard at abutting street – used several places in YMC. *Additional comment 05-12-2022: LC definition "Is a yard on a corner lot that is adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building." This requires a compatible definition of a "corner lot".*

COMMENTS AFFECTING MULTIPLE RESIDENTIAL ZONING DISTRICTS – 9.12 R1, 9.16 R2, 9.20 R3, and 9.24 R4:

In **.040E Standards sections of R1, R2, R3, and R4** – suggest adding to "see also Definitions 9.04.030 parking space".

*In **.040 Standards sections of R1, R2, R3, and R4** – it may be beneficial to set a standard for maximum % of front yard paved, with remaining areas landscaped?

.040 Standards R1, R-2, R-3, and R-4 Zoning Districts

C. Building Height – change to reflect better definition. We should discuss a review of allowable height especially on the west side of the city. Currently there are some CC&R restrictions, but they are very old and can easily be changed leaving a lot of areas at risk of being over built with regards to heights of single-family homes.

D. Lot Coverage: Structures, including, but not limited to buildings, porches and decks shall not occupy more than thirty (30) percent of the total area. **Revise deck/porch/patio definitions and include permeable paving specification.**

On Lot Sewage: Within **Chapter 9.12 (R-1 District)**, the standards of Section 9.12.040 require a minimum lot area of 7,500 sq.ft. for one-family dwellings where both public water and sewer exist, and a minimum lot area of 20,000 sq.ft. for one-family dwellings where public water exists but public sewer does not. This increase in the required minimum lot area is necessary to accommodate an on-lot sewage disposal system. However, in Chapter 9.16 (R-2 District), the standards of Section 9.16.040 only require a 1,500 sq.ft. increase in the minimum lot area for one-family dwellings, and an increase of 7,500 sq.ft. for two-family dwellings, where no public sewer exists. These increases in required minimum lot area appear inadequate for accommodating an on-lot sewage disposal system. The same inadequacy is true for Section 9.20.040 in Chapter 9.20 (R-3 District). Interestingly, for Chapter 9.24 (R-4 District), the standards of Section 9.24.040 require an increased minimum lot area of 20,000 sq.ft. where no public sewer exists. There may only be a few areas of the City remaining without access to public sewer, in which case resolving this issue may not be a high priority, but nevertheless could be problematic.

COMMENTS – 9.12 R1 RESIDENTIAL ZONE

Chapter 9.12.020 – R-1 Residential Zone

E. Planned Unit Development (PUD): Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60

Revised recommendation: The code states that a PUD is allowed in R-1 zones but must meet the requirement of 2 contiguous acres. This requirement should be included under this section as allowable but should state at the beginning “on a minimum two (2) contiguous acre lot a P.U.D. is allowable.

9.12.040 Standards States in part:

B-2Corner side yards shall not be used for.....permanent storage of trailers, boats, and recreational vehicles.....**See Comments for 9.68.060 Recreational Vehicles**

Within the R-2 District, Section 9.16.030.C (Home Occupations) includes the text “...See Definitions”. The text for Home Occupations in the R-1 District does not include “....See Definitions”, and should to be consistent with the text in the other R Districts.

In the R-1 District, the **lot coverage provision of Section 9.12.040.D** limits buildings and structures to a maximum of 30% of the total lot area. It would be good for the Planning Commission to review some recently approved building plans to see if this lot coverage requirement is being observed. If some recently approved residential dwellings have exceeded the 30% lot coverage requirement, should this limitation be increased? This comment applies to the lot coverage regulations for all four residential districts.

COMMENTS – 9.24 R4 RESIDENTIAL ZONE

Motel, Hotel, and Resort Uses

In the **R-4 District**, **Section 9.24.020.K** permits a motel, hotel, or resort by-right when proposed on at least one acre of land with direct access provided from U.S. Highway 101 only, and with accessory commercial uses. According to Section 9.24.030.P, a motel, hotel, or resort is permitted subject to Conditional Use approval when proposed on less than one acre of land with accessory commercial uses. This provision omits the text “.....with direct access provided from U.S. Highway 101 only....”. Is this omission intentional or an oversight? In the C-1 District, Section 9.28.010.N permits a motel, hotel, or resort by-right when proposed on at least one acre of land with direct access provided from U.S. Highway 101 only, and with accessory commercial uses. Section 9.28.020.V.1, which permits a motel, hotel, or resort subject to Conditional Use, includes the text “...with direct access provided from U.S. Highway 101 only”.

As a related issue, note that in the C-1 District, Section 9.28.020 only provides for a motel, hotel, or resort by Conditional Use when proposed on less than an acre of land with direct access provided from.....when it is part of a Formula business. However, a motel, hotel, or resort which is not part of a Formula business, and when proposed for lots under an acre, is not listed as a use permitted by Conditional Use. Is this omission intentional or an oversight?

COMMENTS – 9.28 C1 RETAIL COMMERCIAL ZONE

In the **C-1 District**, **Section 9.28.010** allows by-right any use permitted outright in any of the residential zones (R-1, R-2, R-3, R-4). If the City’s commercially zoned land is at a premium (scarce relative to the other four districts), perhaps some new residential uses should be discouraged from locating in the C-1 District. Some

forms of residential use may be incompatible with commercial uses. For example, the C-1 District could be amended to allow for residential dwellings (apartments) on upper floors of commercial buildings, and to allow for live/work units. The total prohibition of single-family dwellings in the C-1 District may be politically challenging. If desired, establishing a new single-family dwelling on an existing lot of record (but preventing the subdivision of C-1 land for new residential lots) could be considered a permitted use. In addition, the current ordinance requirement of Conditional Use approval for a proposed mix of commercial and residential uses on the same site probably should be deleted in favor of allowing a mix of commercial and residential uses on the same site as a by-right use. This change would help to encourage the establishment of multi-story buildings with commercial uses on the first floor and residential use of upper floors.

Within the **C-1 District**, **Section 9.28.010.K** permits by-right an auto service station with Highway 101 access (and without supplemental standards). Section 9.28.020.V.2 permits an auto-service station with Highway 101 access, and which is part of a Formula business, subject to Conditional Use approval. Auto service stations are evolving to the point where vehicle services are limited primarily to fuel dispensing, with almost equal attention given to retail services (the sale of fast-food and pre-packaged goods) offered to motorists. The number of fuel dispensing stations within a service station has also increased, which in turn increases the number of vehicles which can be fueled at one time, and many of these stations now tend to be 24/7 operations. New auto service stations, or quick-service food stores that also sell gas, typically generate more traffic than their older counterparts, and can lead to other issues, such as excessive outdoor lighting during the evening hours. It would be cleaner to simply make any auto service station in the C-1 District subject to Conditional Use approval.

***In C1 Standards (9.28.030)** – consider making an F.1 and F.2, where F.2 would set a standard for parking setbacks from street lot lines: “Where parking is established between the building and Front or Street Side property lines, parking spaces shall be set back ____ (____) feet from the property line.” This would establish a landscape strip between parking and the street. It would require that parking requirement 9.48.010.H. also be revised. Since this as proposed would not apply to districts other than C1, it belongs in C1 Requirements rather than in Parking 9.48. It would need to be coordinated with Items C.4 and C.5., below.

9.28.030 C1 Retail Commercial Zone Standards –

G. Residential – only uses:

1. Yards: Yards proposed to be less than the minimum yard requirements which apply in the residential zones shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.72 Conditional Uses

I am confused by this because when the house installed on the commercial lots located at 7th and 101 the explanation regarding the extent to which that lot was being covered was that the underlying zone dictated the allowed lot coverage (R-4 or C-1). The standard above seems to disagree with that. Do “Yard requirement” and “Lot coverage” overlap in meaning/requirements?

Perhaps clarification and adjustment need to be made:

****Regarding lot coverage of R-2, R-3, R-4 and C-1, if a single-family home is placed on a lot zoned anything but R-1 restrict lot coverage to the coverage allowed on a R-1 lot rather than allow a single-family home built on a lot zoned for multi-family or commercial to occupy the coverage allowed for the higher density use.

The **C-1 District** lacks any site landscaping requirements for new development except where a proposed commercial use abuts a residential (zoning) district, in which case a fence, wall, hedge, or landscaping is required to buffer the commercial use from the residential district. An attractive commercial site design usually includes landscaping, which can be provided along street frontages, within parking areas, used to screen dumpsters and loading areas, and as foundational plantings. This can be achieved through zoning by limiting the total lot coverage or maximum impervious coverage, and/or by requiring a minimum percentage of the site to be landscaped, and by requiring parking lot landscaping based on a minimum number of spaces and parking lot design. Retention of existing native vegetation (trees and shrubs) on-site should also be encouraged by allowing it to off-set some of the required new planting material. A list of native trees, shrubs, and ground plantings appropriate for coastal environments should be prepared and be included as an appendix in Title 9.

In Chapter 9.28 (C-1 District), Section 9.28.030.A.1.C increases the required width of a lot when public sewer is not available, but the remaining standards do not address a minimum lot area requirement when public sewer is not available. This is probably an oversight.

Commercial

Parking lot landscaping should also be required for other types of uses with extensive surface parking, such as churches, garden apartment complexes, medical clinics, etc. Landscape design standards should encourage developers to utilize rain gardens, vegetative swales, and other areas of the proposed site that can infiltrate stormwater.

As a related issue, note that in the **C-1 District, Section 9.28.020** only provides for a motel, hotel, or resort by Conditional Use when proposed on less than an acre of land with direct access provided from.....when it is part of a Formula business. However, a motel, hotel, or resort which is not part of a Formula business, and when proposed for lots under an acre, is not listed as a use permitted by Conditional Use. Is this omission intentional or an oversight? **See previous comments in 9.24 R4 Zone, above.**

COMMENTS – 9.48 PARKING

In Section 9.48.010 Parking General Requirements:

Add a paragraph relating to “clear vision”, 9.64.010.A. May require different wording so as relate to private property instead of street design and construction.

*Revisit D, distance from building to parking – the current 500 feet perhaps should be reduced given the scale of our community. That distance is half-way through town. I would suggest something more like 200 feet.

E. Off-Street Parking: Rather than referring to Chapter 9.48 give the number of required spaces and size under each residential zone.

Revisit F., drainage – delete last word “sidewalks” and substitute “property”. That way the requirement would preclude drainage from private property across sidewalks, rights-of-way, etc.

F. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum City Road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.

Revise with: Add permeable paving preference.

Revise: And be so drained as to avoid flow of water across public sidewalks.

To: Avoid run off affecting or across adjoining properties, public streets and sidewalks.

Revise G., last sentence – the 5 foot high fence requirement appears to be in conflict with the “clear vision standards” – wording is unclear – clarify. Some clarification and coordination between G. and H. is needed, as noted in 5., below, and B.3., above.

*Revise H., distance of parking to lot line – the current requirement of placing a parking bumper 4.5 ft. from the lot line yields a 2 ft. or less “no-man’s” land strip, unsuitable for shrubs or ground cover. It also does not take into account the screening fence required in G. **Along streets**, I suggest increasing required distance to perhaps 6 feet which would yield a more reasonable 3.5 ft. space for shrubbery between the fence required in G, and the property line. *Shrubbery between the fence and the street would be an aesthetic enhancement. This would have to be considered taking into account B.3., above. *Perhaps also add a requirement that the strip be landscaped with native shrubbery. Where **not along streets** but taking into account the required screening fence, consider reducing that setback to a distance sufficient for the fence. Consider making an H.1 and H.2 to separate the two conditions. Considerable rewriting would be required.

Revisit J., four spaces rule – could stand some clarification on how the required driveway intersects with the street and that all exiting of the parking lot must be by forward-moving actions. Safety consideration.

Introduce a section concerning parking lot drive aisles – required widths for 90 degree and angled parking, how drive aisles exit onto streets, how drive aisles need to conform to clear vision standards (by reference), etc.

Add a section that commercial and governmental use parking lots require “accessible parking spaces” in accordance with applicable requirements of the Americans With Disability Act. It appears to be included nowhere else in the Code. This important requirement and should be listed.

(add from 9.40.030 “Parking Space” definition) “Required off-street parking shall not be located in a required yard that abuts a street” **However** – this requirement is unclear. Does it apply to residential zones, Commercial and Public Facilities zones, or both? Is this really what is intended? It may conflict with other requirements. Review in broad scope.

*Perhaps introduce a landscaping requirement within commercial and governmental use parking lots – possibly a percentage of the parking lot be landscaped / a minimum ____ (__) foot wide planter island be required for each 10 spaces, or both or something similar.

Perhaps introduce a section regulating how parking spaces abut sidewalks: That sidewalks in front of parking spaces are required to be a minimum of 7.5 feet wide where parking spaces abut without a curb bumper – and – sidewalks 5 feet wide shall have a curb bumper installed at 2 to 2.5 ft from the sidewalk edge (both to accommodate vehicle overhangs so they do not protrude into ADA-required sidewalk width).

COMMENTS – 9.68 MANUFACTURED DWELLING PARKS and RECREATIONAL VEHICLES

Chapter 9.16.020 R-2 Permitted uses (pertains to R-1 thru R-4):

B. States that a recreational vehicle is allowed during construction and must be removed within one year.

Then C: Recreational Vehicle. See Chapter 9.68.020

9.68.020 B states Recreational vehicles may be parked on owner’s personal lot only, unless in commercial storage. **Does not address use or long-term personal storage**

9.12.040 Standards States in part:

B-2Corner side yards shall not be used for.....permanent storage of trailers, boats, and recreational vehicles.....

9.68.060 Recreational Vehicles:

Recreational vehicles may be parked by an owner on his or her own land for non-rental temporary living purposes as follows:

- A. The recreational vehicle shall be accessory to a permanent residential dwelling.
- B. Recreational vehicles shall not be connected to the City sanitary sewer system.
- C. No more than thirty (30) days per calendar year with no more than fourteen (14) consecutive days for any one stay. Requests for extended time limits requires approval by the Planning Commission through a Variance procedure.
- D. Review Procedure. An executed permit is required before any person occupies a recreational vehicle for temporary living purposes. Failure to complete the application form and secure an executed permit in advance is a violation of City Code.

Recommendation: Clarity is needed regarding the use and storage of recreational vehicles. What types and sizes of Recreational Vehicles are meant; 20'? 35'? 50'? Fifth wheel? Boat trailer? Can they be permanently stored on a residential property? If so, how? It also could be helpful to include a limitation on vehicle size i.e.. "Oversized vehicles" when revising parking codes.

Attached is a sample draft for revising Section 9.68.060. (Mattison Document 2019)

COMMENTS – Other YMC Sections as noted

Section 9.40.030 Standards, Public Facilities Zone – Are some of the standards listed in the C1 zone needed in this zone (parking, landscaping, etc.)?

Section 9.52.060, County Road 804 requirements – this section will require some revision when the City takes possession of that road. Perhaps keep the same requirements, review, add / remove some.

Section 9.52.070 Shoreland Setbacks – add "and Protection" to the title. The section includes protection standards in addition to setbacks.

Section 9.52.160.B. (clarify) – Clarify that the setback reduction to minimum 5 feet applies to the residence living areas as well, per recent City Planner interpretation.

9.60 Planned Unit Development

The provisions of Chapter 9.60, Planned Unit Development, require a minimum of 40% of a PUD's total acreage to be dedicated or reserved as usable common open space (see Section 9.60.020.H). Yet, Chapter 9.62, Townhouse Planned Unit Development, states that the Planning Commission may require up to 5% of a TPUD's total acreage be set aside for park and recreation purposes (see Section 9.62.050.C). No other open space is required for a TPUD. The significant difference in required open space for these two types of planned unit developments seems unusual and perhaps made in error. Why would the residents of a townhouse PUD need less open space than a PUD consisting of other dwelling unit types? The much smaller open space requirement for a TPUD may also incentivize developers to build townhouse developments rather than PUD's with other dwelling types.

Section 9.64 Street Construction and Design – perhaps should be renamed to “**Street and Driveway Design and Construction**” to better describe its contents.

The provisions of **Sections 9.84.030 and 9.88.060** regarding public notice requirements for amending the City's Zoning Ordinance text or map appear to be out-of-date based on current Oregon Planning Law (google Oregon Ballot Measure 56). The City Planner should work with the City's Attorney to evaluate the current public notice requirements of Title 9 and craft new language for these two Sections consistent with Oregon Planning Law.

ADDITIONAL COMMENTS with multiple ramifications

Home Occupations

As a related issue, Home Occupations that meet all the standards (1 thru 8) of Section 9.72.050.D can be permitted administratively by the City Planner, i.e., without the need for Conditional Use approval. Assuming that most Home Occupations proposed in Yachats in the past have met these standards and have been permitted administratively, perhaps this use would be more appropriately listed as a permitted use rather than one that is subject to Conditional Use. Under Permitted Uses, “Home Occupations” could be reworded as follows: “Home occupations when conforming to the Supplementary Use and Design Regulations

of Chapter 9.52". The nine standards for home occupations currently found in the Conditional Use chapter (9.72) could be moved to Chapter 9.52, and standard 9 revised to read: "Home occupations that do not conform to standards 1 through 8 above may be permitted subject to Conditional Use approval."

Procedural issues

At the Planning Commission's December, 2021 meeting, there seemed to be some confusion among staff and Commissioners as to whether a complete Conditional Use application required the submittal of a site development plan. Section 9.72.030 of Chapter 9.72, Conditional Use, states: "Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Commission." Clearly this provision and the sentence that follows it assume that the Conditional Use application includes a site plan that is reviewed and approved by the Planning Commission. To minimize this confusion in the future, a section listing minimal submittal requirements for CU applications should be added to Section 9.72.020 of Chapter 9.72, Conditional Use. Uses requiring Conditional Use approval are typically considered uses of special impact, and as such, a site plan accompanying other application material is necessary to allow City staff and the Planning Commission to understand and address potential impacts, and include reasonable conditions to mitigate such impacts as part of a CU approval. It would be good to review the City's Conditional Use application form to see what submittals are currently required of an applicant, and whether this form should also be updated to require a site plan. The following sample text outlines the contents of a site plan required as part of a Conditional Use application. Additional application materials may be required based on the specific use.

Site Plan. The application for conditional use shall be accompanied by a proposed site plan to include the following information:

*(1) Site plan shall be drawn to scale of one inch equals 100 feet.
Either as part of the site plan, or on a separate sheet drawn to the same scale as the site plan, existing site features shall be shown, including ground topography (contours), wooded or naturally vegetated areas, trees of 8 inches DBH or greater, floodplains, shorelines, wetlands, riparian corridors, geologic hazard zone, and any existing buildings, roads, trails, fences, or other physical improvements, and all existing easements.*

- (2) Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines.*
- (3) Dimensional features showing compliance with the applicable area, width, coverage, yard, natural and historic protection standards, and other design standards as specified in this Chapter.*
- (4) Location, dimension, and arrangements of proposed facilities including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, and lighting for these areas.*
- (5) Location, dimensions, and arrangement of all areas devoted to open space, retention of existing trees and vegetation, proposed ground cover, trees and other native plantings, and recreation.*
- (6) Provisions for handling of stormwater drainage, treatment of disposal of sewage, and supply of water.*
- (7) A copy of the last recorded subdivision plan of which the property is part.*
- (8) Locations and designs of all on-site and off-site improvements related to access control and traffic capacity.*

Eugene

Eugene's land use code regulates how property may be used or developed and is an expression of our community's values around economic development, housing affordability and choice, natural resource protection, compact urban development, transportation options, climate change and energy resiliency, neighborhood livability and adaptable implementation. If you have questions about Eugene's land use code, please contact the planner-on-duty at 541-682-5377 or email.

The purpose of the land use code is to protect and promote the health, safety, and general welfare of the public and to preserve and enhance the economic, social, and environmental qualities of the community.

Depoe Bay

Section 1.020. Purpose. The purpose of this ordinance is to promote the public health, safety, and general welfare and to assist in carrying out the comprehensive plan for the City of Depoe Bay.

[zoning24codifiednov2011.pdf \(cityofdepoebay.org\)](#)

Portland

The Portland Zoning Code ([Title 33](#)) is intended to implement Portland's Comprehensive (or long-range) Plan and related land use plans in a manner that protects the health, safety and general welfare of the citizens of Portland.

Salem

Sec. 110.010. - Purpose.

The purpose of the Unified Development Code is to implement the Salem Area Comprehensive Plan through a comprehensive land use and development code governing all land within the corporate limits of the City and establishing regulations to:

- (a) Promote and protect the health, safety, and general welfare of the public;
- (b) Provide for the orderly growth and development of the City;
- c) Ensure an appropriate mix of land uses to provide for the economic and social benefits which result from the orderly, planned use of land;
- (d) Ensure the provision of adequate public facilities and services;
- (e) Allow for adequate open space;
- (f) Protect property from risks and dangers;
- (g) Preserve and restore historic resources; and
- (h) Preserve and enhance environmental resources, the natural scenic beauty of the area, and aesthetic qualities of the community.

[CHAPTER 110. - GENERAL ZONING PROVISIONS | Code of Ordinances | Salem, OR | Municode Library](#)

City of Yachats Volunteer Agreement

City of Yachats
441 Highway 101 N
PO Box 345
Yachats, OR 97498

Phone: 541-547-3565
Fax: 541-547-3063

Thank you for your interest in volunteering for City of Yachats. We look forward to partnerships with volunteers to enable us to effectively serve the citizens of our community. In order to ensure the safety of our volunteers and protect the interests of City of Yachats, we require potential volunteers to complete this questionnaire form and participate in a background check. Thank you for volunteering.

First Name	Tod
Last Name	Davies
Address	PO BOX 511
City	YACHATS
State	None
Zip Code	97498
Daytime Phone	5414828779
Evening Phone	<i>Field not completed.</i>
Email	tod.davies@gmail.com

(Section Break)

Volunteer Activity

Please describe the type of volunteer work you are interested in performing or activity/event you wish to volunteer for.	Joining as a member of the Yachats Planning Commission
--	--

Please list the date(s) or	any time
----------------------------	----------

range of dates for which
you would like to volunteer

Statement of Interest or
Related Experience for
Commissions & Committees

Since my husband and I moved to Yachats three years ago, what has impressed me most is how passionately involved my neighbors are in our town—in making it, and our world, a better place. I'd be proud to follow in Julie Bailey's footsteps in contributing to "this beautiful community, " and honored to join in the conversation as a member of the Planning Commission. With years of board and committee experience in two countries behind me, I know that the best decisions come from considering differing points of view, and that once a decision is made, the best way forward is to act on it. If I'm invited to join, that's the orientation I'll bring along with me. Onward, Yachats!

PREVIOUS BOARD MEMBERSHIPS

1998 - 2000 Toxteth TV Project Champion, Board
2005- 2011 Colestin Rural Fire District Vice Chair
2015 - 2018 Friends of Hannon Library Vice Chair/Publicity
2015 - 2019 Colestin Rural Fire District Public Information Officer
2021 - present Ashland.news board member

Upload document, if
needed

Field not completed.

(Section Break)

References

*Please list two references that are **not related to you** and that have knowledge of your relevant experience for the type of volunteer activity you are interested in.*

Reference 1

First Name

Bert

Last Name

Etling

Address

PO Box 640

City

Ashland

State

Oregon

Zip Code

97520

Phone Number	541 631 1313
Relationship	editor, Ashland.news
Years Known	7
Reference 2	
First Name	Steve
Last Name	Avgeris
Address	1701 Colestin Road
City	Ashland
State	Oregon
Zip Code	97520
Phone Number	541 821 8339
Relationship	fire chief, Colestin Rural Fire District
Years Known	30
Emergency Information <i>Name and contact information for the person(s) to reach in the event of an emergency.</i>	
Name	Alex Cox
Phone Number	541 210 0057
Relationship	husband
Name	Teri Lewyn Thomas
Phone Number	541 301 3890
Relationship	accountant
I understand and agree to the following:	
• I will keep all issues pertaining to city business confidential • I may be subject to background and motor vehicle record checks. • I will adhere by Oregon Occupational Safety and Health Division (OR-OSHA) safety standards and training I am provided.	

- I have read and understand the Volunteer Policy.

I hereby certify that the facts set forth in this volunteer registration are true to the best of my knowledge. I agree that if the information given in my registration, resume, or any other materials, or during any interview, is found to be false in any way, it shall be considered sufficient cause for denial of volunteer status.

I understand that City of Yachats is not obligated to appoint me to a volunteer position and that nothing contained in the volunteer registration form is intended to create a contract between City of Yachats and me. In addition to the above items, I agree to comply with the policies, rules, regulations, and procedures of City of Yachats, which I understand may change at any time and I understand that my volunteer status can be terminated with or without cause or notice, at any time, at the option of either me or City of Yachats.

Signature	Tod Davies
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Date	7/26/1955
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Required for all Minors: Parent or Guardian's Authorization for Medical Care & Consent to Agreement

I PARENT/GUARDIAN as parent or legal guardian, hereby grant permission for MINOR to do volunteer work for City of Yachats. In the event of an emergency, accident, or illness, I authorize City of Yachats and its employees to administer emergency medical care to my child and/or, if deemed necessary, to secure emergency medical services and incur expenses for which I will be responsible for payment. My signature in the following hereby represents that I have read, understand, and to this agreement.

Parent/Guardian	Field not completed.
-----------------	----------------------

Minor	Field not completed.
-------	----------------------

Signature	Field not completed.
-----------	----------------------

Date	Field not completed.
------	----------------------

Version 2019-04-16

City of Yachats
Building Activity
January 1 - May 15, 2022

Project Name	Description	Parcel #	Address	Zone	Opened	Status
RUANE	New Detached Garage	14-12-27-AB-100	591 Aqua Vista Loop	R2	1/20/22	Permit Issued
TRIMBLE	Enclose Existing Deck	14-12-27-AD-5400	882 Driftwood Lane	R1	1/27/22	In Review (Lincoln Co)
GORDON	New SFR	14-12-27-AA-1403	522 Aqua Vista Loop	R2	2/15/22	Permit Issued
BERTRAND	2nd Floor Deck	14-12-27-DA-2100	167 E. 3rd Street	R1	3/14/22	Permit Issued
REEVES	Garage Addition	14-12-22-DD-800	551 Lemwick Lane	R2	3/18/22	Permit Issued
OCEAN SCENES	New Mixed-Use Building	14-12-27-DA-1400	450 Highway 101 N	C1	3/24/22	Permit Issued
OCEAN SCENES	New Mixed-Use Building	14-12-27-DA-1300	470 Highway 101 N	C1	3/24/22	Permit Issued
ALMARODE	New SFR	14-12-26-BB-3600	250 Windsong Street	R1	4/1/22	In Review (Lincoln Co)
EDDY	2nd Floor Deck	14-12-34-AC-2100	561 Overlook Drive	R1	4/6/22	In Review (Lincoln Co)
SIMANS	Deck Replacement	14-12-34-AC-7500	69 Gender Drive	R1	4/22/22	In Review (CoY)
DUBOSE	Foundation Repair	14-12-34-AC-4501	580 Highway 101 S	R1	4/22/22	In Review (CoY)
TAKEI	New SFR	14-12-26-CC-1600	271 Combs Circle	R1	5/3/22	In Review (CoY)

City of Yachats
PLANNING COMMISSION
Work Session and Meeting Summary
April 19, 2022

PRESENT: Lance Bloch, Chair, Ariana Carlson, Jacqueline Danos, Loren Dickinson, Christine Orchard, John Theilacker, Co-chair, Katherine Guenther, City Planner, Julie Bailey

(3:56) Theilacker gave a brief introduction of what the work session and regular meeting would consist of. Advised that a Face Book post indicating there would be a public hearing regarding the Agate Point Conditional Use Application was incorrect but that such a hearing may be held in the future.

WORK SESSION

I. PARKING WORKSHOP REPORT

(7:44) Dickinson advised he received an email from Brian Davis who is the consultant under DLCD. Davis sent a link for a doodle poll to set up a meeting to go over the schedule, the goals and the scope of the project. Davis is to send a schedule and agenda for the meeting. Dickinson felt the meeting would probably occur sometime next week. He advised Guenther was also on the email and she said she would get the doodle poll link out to everyone.

(9:50) Theilacker asked if the meeting was going to be a zoom meeting.

Dickinson confirmed it would be via zoom as Brian Davis is in Audubon, NJ.

(10:23) Theilacker then asked Dickinson to give a synopsis of the project for anyone new to the project. Dickinson gave the highlights of the study; what exists, what is needed and what can be fixed right now. He also advised that Helen Anderson had done a very detailed overall map of downtown parking.

(12:53) Danos asked if the parking study is running the same as the housing study with a Management Team, the kickoff meeting would be for a small handful, then there would be joint meetings with the Commission and the Council. She went on to say that if too many members of the Commission go to the initial meeting then there is a quorum and public meeting issue. That raised the issue that the doodle poll should only be sent to the two Commissioners attending the initial meeting. Discussion held regarding formatting and making the parking study map available to Commission members.

II. HOUSING NEEDS ASSESSMENT UPDATE

(16:27) Danos referred to the updated document she forwarded to everyone. The first project management meeting is on Friday, April 22nd. Just before the meeting a link with a layered GIS map was sent to look at and make notes on. She advised she will be able to give a better update after that meeting when she understands the methodology. She referred to the zoning map she forwarded and advised that is the type of mapping that will be supplied. She

1 stated further that at the end of the study there will be some really good
2 information compiled.

3 (18:10) Dickinson asked how this will interface with the GIS map and Danos
4 replied that these are layers of the GIS map.

5 (18:51) Guenther interjected that she has zoom meetings with Hui Radomsky
6 every other Friday which have been very helpful. She indicated that she
7 asked about the GIS mapping system. She now has a meeting with the DLCD
8 GIS mapping folks. Guenther is hopeful that they'll impart some good
9 information. She continued by saying once the base map is done there are so
10 many things the system will help with.

11 (21:45) Dickinson advised that the GIS map can have hundreds of layers and
12 someone at City Hall is going to have to be trained on how to add layers, etc.
13 He advised there is also software that will be required. Discussion continued
14 regarding use of the GIS as well as staff time required and training
15 opportunities. Theilacker suggested perhaps a summer intern who could help
16 set up the GIS system at City Hall.

17 (24:26) Theilacker indicated he read the report and felt the methodology
18 makes sense and is adequate. He will send questions to Danos. He indicated
19 they did two things: an inventory of buildable lands and maximum buildout
20 analysis.

21 (25:28) Danos indicated she would like to see them do an in person walk or
22 drive through to see the constraints and how things are built here. She felt
23 that it is important to look beyond satellite imagery and paperwork.

24 (26:59) Guenther advised she would be happy to walk around with anyone
25 from the team as there aren't too many areas she isn't familiar with.

26 **III. SMALL CODE CLARIFYING CHANGES TO TITLE 9**

27 (28:00) Theilacker advised Title 9 refers to the Yachats Municipal Code:
28 zoning and land use. He indicated that at the beginning of the year the
29 Commission was tasked with identifying work projects that could be
30 undertaken this next year. He gave a rundown of projects that are already
31 ongoing and then reminded the Commission that several had shown an
32 interest in working on the Municipal Code on provisions, requirements and
33 regulations that were unclear, incomplete or inaccurate. Bloch had asked
34 Commissioners to look over the Code and indicate in writing items they felt
35 needed to be changed, updated, corrected... Danos, Dickinson and
36 Theilacker all submitted suggestions and those are in the meeting packet.
37 Now have to determine how to implement the suggestions. Mentioned there
38 are still a few amendments pending, staff review and approval and DLCD
39 review and approval that focus on fences, walls and hedges.

40 (32:37) Guenther indicated that finishing touches were being put on the
41 proposed language and nothing has been done since. Since a few more
42 changes have been made it was decided the starting point would be to bring
43 the proposed language before the current Commission and then send to
44 DLCD for review. She felt this one should be done first so that one revision is
45 seen through completion and then the Commission and her "will know what
46 we're doing".

1 (33:45) Bloch felt that the amendment didn't need to be looked at again as it
2 has been written, edited and rewritten already. A vote has been taken and the
3 wording was approved by the Commission. He would like to send it off to
4 DLCD in a format they are familiar with. He is awaiting instructions on format
5 from them Once approved by DLCD it can go before the Council and then go
6 to a Public Hearing He felt that no more time should be spent on it unless it
7 comes back with an indication that it needs to be changed.

8 (35:35) Guenther said she hadn't remembered the document being voted on
9 and if that is the case she agrees that it should be sent on to DLCD. If such a
10 vote can't be located she would just like the document formatted for DLCD
11 reviewed to make sure it is the correct document and a quick vote – no further
12 editing.

13 (37:05) Dickinson remarked that Guenther had said most issues for her in the
14 Code were regarding enforcement and interpretation. He asked if Guenther
15 could review what had been included in this packet. Guenther indicated that
16 some of her issues had been touched on in those documents, especially the
17 definition of building height and yard definitions that are inconsistent. She felt
18 there were more things, but those two should be pretty straight forward and
19 they are not.

20 (38:34) Further discussion was held regarding how to proceed with the
21 suggestions in the packet.

22 (42:04) Danos felt it would be very helpful to have the City Planner put notes
23 and or language corrections in the revisions suggested. One thing that stood
24 out was in the paperwork received regarding the housing grants, it was noted
25 that in Code 9.24 there is no minimum lot area specified for duplexes.

26 Guenther interjected and indicated the lot size is 2500 square feet that can be
27 reduced to 1500 by review of the planning commission. Danos continued
28 discussing the suggested revisions and felt that Orchard's email needed to be
29 added to the consolidated document as well as the citizen input that was
30 received.

31 (43:50) Orchard felt that the purpose of the Code needs to be clear and
32 understood. Discussion was held on how to proceed as far as definitions,
33 cohesiveness and removing unnecessary and/or confusing wording.

34 (48:20) Theilacker asked if the City Attorney has to look at the provisions
35 before or after the Council gets them. Guenther indicated she didn't think so
36 as DLCD is who reviews the documents and makes sure all State and
37 Federal regulations are being followed.

38 (49:27) Discussion then held on how to properly notice a public hearing.
39 Guenther advised that Hui Radomsky has offered to attend meetings if they
40 need her to and that should help keep the Commission on the right path.

41 (53:30) Bloch suggested/requested if Dickinson would be willing to add to his
42 consolidated suggestions the additional comments from today, the citizen
43 comments and the comments from Orchard's email into one document to use
44 in the next work session. Dickinson agreed to do that and that he would also
45 look at other municipalities for possible examples and will also incorporate
46 any other information other Commissioners supply to their original comments.

(57:15) Bloch wanted to point out that if the Commission gets into Agate Point next month, the Commission may want to cancel the work session and push it to June. Felt that if Agate Point does get on the docket there will be a lot of people wanting to speak so it will be a lengthy meeting. Guenther added that there will be a lot of "homework" with regards to written testimony.

(59:23) Orchard asked Guenther if there has been any talk of going back to in-person meetings. Guenther advised that there has been talk within Council but there has been no talk of doing away with zoom. More talk of doing hybrid meetings as more people have been able to participate via zoom like people that aren't here full time. She has been tasked with determining if the meeting room is equipped with the appropriate equipment.

Work Session was closed at 3:00 pm.

REGULAR MEETING

IV. CALL TO ORDER

Bloch called the meeting to order at 3:00 pm and indicated that all six (6) Commissioners present at the work session are still in attendance.

V. PUBLIC HEARING FOR VARIANCE REQUEST AFFECTING QUIET WATER PROPERTY ON COMBS CIRCLE

This is a public hearing on the Lattig-Carver Variance.

(1:03:05) Bloch gave a rundown of the procedures for the hearing.

The public hearing for the application on case 1-VAR-PC-22 is open. The purpose of the hearing is to consider the application made by Lattig-Carver for a variance. Does anyone wish to object to the jurisdiction of this Planning Commission to hear this matter?

- Does any commissioner wish to make any disclosure or abstain from participating or voting on this application because of:
 - A. Possible financial gain resulting from this application;
 - B. Own property within the area entitled to receive notice of this hearing;
 - C. Direct private interest in the proposal; or
 - D. You have determined you cannot be impartial.

(1:04:17) Dickinson advised he is the Chairman of the Quiet Water Design Review Committee and as such worked with the applicants extensively on the review and development of their house design and also resides very close to their property. He wishes to recuse himself. He is happy to answer any questions but will not participate in conversation or voting.

(1:05:36) Orchard disclosed that she also lived close by the property but that will not influence her decision.

- Does any Commissioner need to declare any contact written or oral or otherwise prior to the hearing with the applicant, appellant or any other party involved in this hearing or any other source of information outside of staff regarding the subject of this hearing if so, please state with whom you had contact and what was said.

1 There were no declarations from Commissioners.

- 2 • Has the Commission been given all testimony that has been submitted to
- 3 date?

4 No commissioner indicated they did not receive information.

5 (1:06:42) Bloch indicated that the application, attendant documents and staff
6 report were all included in the meeting packet and Guenther advised there
7 was no written testimony.

- 8 • Does the Commission feel it has had adequate time to review all of the
- 9 written documents.

10 There were no negative responses.

11 Bloch gave instruction of how public testimony would proceed.

12 (1:08:46) Bloch asked if any of the Commissioners had any questions for the
13 applicant before the public testimony.

14 (1:05:58) Theilacker asked Bloch if there is an opportunity for staff to present
15 its report.

16 (1:09:20) Bloch apologized and advised he inadvertently left that part out.

17 (1:09:35) Guenther advised that the pictures included in the packet tell the
18 story a lot better than the staff report. What is being requested is a variance
19 for the building height limit of 30' to be increased to 31.65'. In the packet there
20 are numerous drawings that show the elevations from different angles, views
21 from street angle; all kinds of things that give a pretty good idea of what this
22 will look like. In terms of deciding on a variance request, the Code gives five
23 circumstances that must be satisfied in order to approve a variance. On Page
24 2 of the staff report she addressed those five circumstances and following
25 that is the testimony of the applicants on how they meet that circumstance.
26 The Planning Commission needs to decide, and she recommends going item
27 by item, whether or not the application satisfies all five of the circumstances. If
28 the circumstances are met it is appropriate to grant the variance and if not,
29 the Planning Commission needs to identify which of the circumstances have
30 not been met and how the Commission came to that conclusion.

31 She indicated the application was complete and advised it was one of the
32 nicest presentations she's seen so that has been satisfied and the decision
33 comes down to those five circumstances.

34 **Public Testimony**

35 (1:12:01) Kelly Lattig introduced David Edrington as the architect that
36 prepared the initial site plan and the details of this variance. Lattig deferred
37 his testimony to Edrington to explain the reasons for doing this.

38 (1:12:59) Edrington introduced himself as: David Edrington, an architect,
39 residing at 240 W 20th Ave., Eugene, OR. One of the architects and planners
40 that redesigned Quiet Water in 1984 and was responsible for the design of
41 clusters and cabins along the river. He thanked the Planning Commission for
42 having the flexibility to allow this type of variance in situations where a site is
43 unusual or extremely difficult. He thanked Guenther for her support in spite of
44 an incredibly difficult schedule and thanked Dickinson for his very
45 professional review on behalf of the Quiet Water PUD and Homeowners
46 Association. He then shared drawings on the screen illustrating three (3)

principal points. The first screen share was a site plan. There are three (3) points that are the basis for the application.

1. He pointed out the northwest facing property line and highlighted how the road and the curve of the road curve away from the property line so that the proposed residence, because of the curve, sits 32.5' back from the curb, which is not unlike a number of the adjoining properties. Making use of the five (5) foot setback exception provided for in the Yachats Code and it is very helpful in this situation and a very, very great example of how that five (5) foot setback is appropriate. He then pointed out the 50' setback from the mean high water known as the Riparian Setback and the two together create a kind of a zone where the footprint of the house can go.
2. The way in which the street curves away from the house is filled with contour lines which means that the ground slopes away. In the Code, the calculation of building height to the peak of the roof is measured from existing grade, not the new finished grade. so there is the opportunity to fill around the foundation of the house but that does not affect how the building height is measured; it is measured from the existing grade which is what is seen on the sketch and therefore the actual area we are starting to measure is already 13.5' below the curb of the street or the driveway, this is the slope that we are working with so the measurements begin at this point and the measurements have been done on each corner and you will find on page 2 of the attachment a spreadsheet using the City formula for measuring building height. You may question the floor, what we have done, what we have proposed is a cabin or cottage very similar to those along the river in Quiet Water using similar materials and windows and similar scale except it is long and thin in the opposite direction because of the contours and we have calculated a maximum slope down to the driveway to this first floor of 10% which is a substantial slope. Starting at that point 10% down from the curb, the area of living room, kitchen and common area and a desire to have a lofted space up above, again, similar to the cabins along the river. A modestly steeped roof pitch and partial walls that still allow this space to be useable for bedroom and bathroom resulted in the peak of the roof being at this point. The cabins along the river actually have a steeper slope than this, this is 9' and 12', the design review committee allows us to go less than 12' and 12' so we have done that in order to keep the roof height to as modest a height as we can and we are still 1. something feet short and that is the basis for our request. Edrington indicated he would be happy to answer any questions and advised he had further illustrations if they would be helpful in discussing the project.

(1:19:45) Edrington said he did have one more comment, part of the issue of building height is the actual perception of it. He made two examples in the model, of a person sitting in a car on, in this case, turning off Yachats River Road onto Combs Circle and if you are sitting in the car this is very close to what you will see. If you are on Combs Circle and passing by the house directly, if you are looking over your left shoulder or your right

1 shoulder, this is what you would see. So we hope that the actual
2 perception of the height of the building is considerably less than its real
3 height when measured based on the Yachats Code.

4 (1:21:06) Carlson questioned the height of the home from street to the top
5 of the roof pitch. Bloch clarified the visible height from the road to the
6 pitch. Carlson agreed.

7 (1:21:30) Edrington indicated that from the corner, the finished grade up to
8 the peak 28' 4.5". Subtracting approximately 13' that is already down
9 below the curb, then the visible height would be about 15'.

10 (1:22:04) Theilacker asked how the two off street parking spaces were
11 going to be accommodated with the design.

12 (1:22:19) Edrington responded one would be in the garage and the other
13 on the driveway.

14 (1:22:24) Theilacker then asked what the length of the driveway will be.

15 (1:22:34) Edrington answered that the driveway would be 32' 6".

16 (1:22:51) Lattig made the clarification that the problem here is that they
17 have been forced to elevate the entire house to produce a driveway slope
18 that is rational to drive down. If we accommodate a 30% slope of the
19 driveway, we could push the house down and not need the variance, but it
20 is not appropriate to drive down a slopy driveway and terminate in a
21 garage where a mistake could be tragic. It is the driveway that has forced
22 them to raise the house to reduce the pitch of the driveway

23 (1:23:35) Carver indicated that there is an easier way to get access to the
24 house from Yachats River Road, but there is a guardrail that blocks access
25 to the property so the only way to gain access is by Combs Circle. When
26 the house was originally designed the driveway slope was 20% and that
27 wasn't safe. That is the reason for the variance request because they had
28 to adjust the slope of the driveway to be 10% versus a 20% slope. Even
29 10% is the max we would want to go for safe access. So really the request
30 is around the ability to access the property with a car and once the other
31 lot is developed there will be no other way to access the property except
32 through Combs Circle.

33 (1:24:53) Danos spoke about a remodel she did recently and they lowered
34 the interior ceiling height. She asked what the ceiling height was on the
35 second and top floors and if changing that had been considered.

36 (1:25:46) Edrington advised that had been a substantial part of the
37 analysis. He advised they used all of the spaces on the edges where the
38 walls could be lowered to be used for storage and mechanical and in this
39 situation the top of the stairs and only the central portion of the second
40 floor and even that has a wall height of 6' at the edge of the central spaces
41 except in the bedroom where there are these two dormers which allow for
42 light and headroom in the bedroom and the design standards for Yachats
43 allow a lower pitch on these dormers so we have studied that loft floor
44 level, third floor level, extensively in order to get these walls as low as
45 possible and to get the roof pitch as low as possible and within the Quiet

1 Water standards, within our notion of trying keep the cabin compatible and
2 similar to the other cabins along the river.

3 (1:27:26) Orchard interjected that perhaps not everyone of the Planning
4 Commission realizes that Quiet Water design requires pitch of a certain
5 angle; a flat roof is not allowed, for example. A pitch is required of a
6 certain steepness.

7 (1:27:49) Danos indicated she was thinking actually of the entrance level
8 that ceiling height if you played with that at all.

9 (1:27:58) Edrington confirmed that the ceiling is at the standard 8' to the
10 bottom of the exposed beams.

11 (1:28:10) Carver advised that their son is 6'3" and he is only 15.

12 (1:28:30) Edrington continued saying that in places where it was, where
13 they could find, for example, the edge of the porch roof, comes down to 7'
14 the fascia board and rafter tails on the garage come down to about 7'
15 These dormer or /bays here and back back here come down to about 7.5'
16 – 8' and so the have tried everything that could be done to keep the scale
17 of the building down while keeping it similar to the other cabins in Quiet
18 Water. The objective was to get it close, to do the best job they could and
19 they ended up when they did the match to be a foot and three or four
20 inches too tall and didn't know any reasonable way to get it shorter.

21 (1:29:40) Bloch asked for more questions to Edrington and there being
22 none advised the Commission would move on. He then asked if there
23 were any speakers who were proponents of the project who would like to
24 make any comments or testimony.

25 (1:30:21) Nan Scott, President of the Quiet Water Homeowners
26 Association made a comment in favor of allowing the variance. She went
27 on to say the three lots are very difficult to build on and we are very
28 pleased with the outside and the conformance to other structures in the
29 subdivision and we feel that it would be a wonderful addition. I think they
30 have done due diligence in trying to get under the requirement and I think
31 they have done a very good job of explaining how they have gone as low
32 as they can go.

33 (1:31:15) Bloch asked if any other proponents wished to speak and there
34 being none he asked if there were any opponents who wished to speak.

35 (1:31:42) As there was no one wishing to speak in opposition, Bloch asked
36 if there was anyone who wished to speak neither as a proponent or
37 opponent.

38 (1:32:04) With no one else wishing to speak, Bloch moved on to applicant
39 rebuttal and since there were no opponents to the variance request Bloch
40 asked Edrington if there was anything he wished to add

41 (12:32:28) Edrington indicated he felt they adequately described the
42 situation but would be happy to answer any further questions.

43 (1:32:42) Bloch asked Dickinson if he wished to make a statement
44 regarding the hearing held by the Homeowners Association concerning
45 the property.

1 (1:32:53) Dickinson indicated that it has “long been known” the difficulty of
2 these three lots. They have been on the market for a long time and he felt
3 Kendra and Kelly have stepped up and took on a very, very, very difficult
4 and complex project and David has done very well in working with them to
5 get it to where it was acceptable to the Design Review Committee of Quiet
6 Water and he commends them for their efforts.

7 (1:33:36) Bloch asked if any other Commissioners have other questions or
8 comments to make of the speakers.

9 (1:33:50) Danos indicated she was confused by the mention of a third lot;
10 how it plays into anything.

11 (1:34:07) Edrington offered to share a site plan on the screen to help
12 explain the issue of the lots. He shared the site plan and then indicated his
13 clients bought three lots; he believes the last three lots in Quiet Water, but
14 certainly the most difficult lots. He indicated the that the property line
15 running through the house has been removed with Lincoln County and so
16 there are now two lots and what will happen one day in the future in order
17 to make “this lot” more buildable and in order to get a little further away
18 from this existing house, we will ask for a lot line adjustment of this
19 property line to the north, always maintaining the proper setback and
20 always maintaining the proper distance between the two buildings when
21 they are ready to build on this lot.

22 (1:35:59) Carver interjected with their history of the property. When they
23 originally bought the lot, Lot #52; the other two lots were not for sale at the
24 time. So the initial lot, Lot #52, is what they were going to build on. The
25 issue that came is if they had built on Lot #52, the other two lots would
26 have become unbuildable because no one would be able to get access to
27 them. After the purchase of this lot, the person who owned the other two
28 lots came to us and we decided to buy, my husband liked these two lots
29 and that’s how we ended up with the three lots. She just wanted to give a
30 history. The way it worked, unfortunately, is we have to build, so ideally we
31 may sell this lot at the end of the day or build on it, but unfortunately the
32 way the lots are set up this lot has to be built on first in order for anything
33 to be built on lot #52 because you wouldn’t be able to get access to the
34 other two lots. So that is why, actually we started this back in October
35 thinking we’d just build a little house here for my mom and thinking they
36 could do something really quick but obviously with all the complexities with
37 bridges and lack of access, here we are in April. So originally the smaller
38 house would be for my mother and my son as I mentioned, and then at
39 some point we’ll build a larger house for Kelly and I, but that is how we
40 ended up in this situation is because we bought lot #52 first and then
41 because the other two lots would become unbuildable at that point we
42 ended up buying the other two lots thinking we’ll either buy that for our son
43 or my mother and that at a later point in time my husband and I will build
44 another house on lot #52 which has some issues too, because you can’t
45 see it here but right now there are actually steps and this house borders
46 right on our property so we’d have to push back in order to build, I think

1 Loren said 15', is the guideline between homes (Orchard interjected it was
2 14'). So we'd have to push back for that. So that is kind of the history of
3 how we ended up with the three lots, it was not deliberate it just kind of
4 transpired. But we see this as an opportunity to build something for my
5 mother and my son in the future and then we'll build a more permanent
6 home for me and Kelly on that Lot #52 which will push away from the
7 south a little bit. But anyway, that gives you some history maybe
8 explaining is a technicality, but it explains how we ended up with the three
9 lots I don't know if that helps.

10 (1:39:18) Theilacker questioned Edrington's comment about consolidating
11 the two lots, removed the lot line through Lincoln County. Theilacker felt
12 that what was actually done was consolidating two tax parcels into one
13 common tax parcel. He (Theilacker) didn't think the legal lot line was
14 moved. As he understood Oregon Procedure he felt they would need to
15 file a replat with the City to actually physically remove that lot line but that
16 is his understanding of procedure.

17 (1:40:17) Bloch indicated that in the packet was an Owners' Request for
18 Consolidation and it requests the Lincoln County Assessor's Office to
19 consolidate the following tax account numbers in accordance with
20 Ordinance 308.210.

21 (1:40:41) Guenther interjected advising that Theilacker was correct and
22 that there are two steps as far as a property line adjustment for the City, it
23 is literally just a signature because they are not creating any lot that is
24 non-conforming so the procedure for doing that, it is much more difficult to
25 put that line in than it is to take it out, basically. As long as no non-
26 conforming lots are being created, the City says go right ahead. That
27 would also be part of the building permit application process and she
28 (Guenther) would sign off on that. A single address has been assigned at
29 this point and will assign a single tax lot as well. Guenther gave points to
30 Theilacker for catching that.

31 (1:41:43) Danos thanked Carver for the clarification on the three lots. She
32 indicated her appreciation of the applicants looking into the height limits
33 and trying to do that as best as they could. That being said, she expressed
34 personal concern about 30' foot height allowances of single-family houses
35 to begin with and the idea of setting a precedent for doing that always
36 makes her a little nervous. She is hoping that when building on the next lot
37 they don't look and say "oh, we have a precedent, we can go over 30
38 feet." Because that makes her worried and she just wanted to "throw that
39 out there".

40 (1:42:26) Carver replied that on the next house a variance won't be
41 necessary because there won't be the driveway issue. The issue right now
42 is just really the slope of the driveway and the fact that we had to raise the
43 house up to have, access to the home through the driveway, that's the
44 bottom line. Unfortunately, we had to raise the level up in order to not
45 have a huge slope that's really the issue, the slope of the driveway. There
46 won't be the same issue on the other lot because they won't have to build

1 a bridge. If they didn't need to build a bridge, they wouldn't be doing it.
2 Carver further indicated they've been working on this since September
3 trying to find ways around it and unfortunately this is it. There will definitely
4 be no need for the other house because they can get access without any
5 kind of bridge.

6 (1:43:52) Edrington interjected, referring Danos to the site plan being
7 shared on the screen. He pointed out that the roadway does not curve
8 away from this property line as it does on the lot in question. There is a
9 normal frontage between the curb and the property line and you will notice
10 the contours are not nearly as steep and numerous as they are here and
11 so there is much less steepness and much less falling away of the grade
12 on this lot line. It is much more similar to this adjacent house where these
13 folks pretty much drive straight into their garage. We will have something
14 more like, between the two, but it is much more similar to the condition of
15 this lot than the condition up here on this lot where the curb curves away
16 from the front property.

17 (1:45:07) Bloch asked for any other questions of the presenters. Seeing
18 none he asked the Planning Commission do you believe all necessary
19 evidence has been presented that you need in order to make a decision?
20 There were no negative responses and Bloch closed Public Testimony.

21 (1:46:00) Bloch asked the Commission to share any points to justify a
22 decision one way or another.

23 (1:46:17) Orchard commented based on two things: She has seen the lot
24 enough and have often stood at the curb and looked down into the "gorge"
25 basically and wondered how to get to a house built there. She agreed the
26 applicants were correct there is no way to get to a house without a bridge.
27 The other comment is that she has great faith in Dickinson's ability to
28 analyze something and come to a decision. So, the fact that he and the
29 Design Committee put their green stamp on it carries a lot of weight for
30 her.

31 (1:47:18) Theilacker indicated that in his experience it seems to be one of
32 the most appropriate applications of the variance process. It is a tough lot
33 to build on and whether it should have been platted as a buildable lot is
34 questionable, but since they are considered to be useable lots, he felt the
35 variance for building height is appropriate. They have a riparian setback
36 that is sort of driving the design as well which they are honoring and it
37 seems none of the neighbors have any objections to the request for the
38 height increase.

39 (1:48:15) Orchard had one more comment. She agreed with Danos'
40 concern of making an exception to the code and you start on a slippery
41 slope; it has to be an extreme condition such as this to justify it.

42 (1:48:36) Danos thanked Theilacker for pointed out the "extreme" nature
43 of that lot and agreed it probably should not have been platted as a
44 buildable lot. She commended the applicants for their work in keeping the
45 height a minimal as possible.

(1:49:01) Bloch wanted to make note of what was pointed out by Theilacker, in Section 9.60.020G1 it says for planned unit developments such as Quiet Water. "No building shall exceed a height of 30' except that the height increase can be justified on the basis of unique lot characteristics, topographical conditions or other natural features." He felt that described the lot(s) in question.

(1:50:00) Bloch asked again for any other comments or questions. Seeing none he asked if a Commissioner was willing to make a motion to vote on approving or disapproving this variance.

(1:50:20) Danos moved that **we do a vote on approval of variance 1-VAR-PC-22.**

(1:51:00) Theilacker indicated that staff had requested on page 4 of 5 that if the Planning Commission is moving for an approval, staff has asked that we add "development shall be in accordance with all R1 standards except for the approved variance for building height". He would like to amend to motion to say **we do a vote on approval of variance 1-VAR-PC-22 and that development shall be in accordance with all R1 standards except for the approved variance for building height of 31.65'.**

Vote: Carlson, yes; Danos, yes; Dickinson, recuse; Orchard, yes; Theilacker, aye; Bloch, yes. **Motion carried with 5 yes and 1 recusing.**

(1:52:33) Bloch indicated the Planner now needed to prepare the appropriate documents to approve the variance.

(1:52: 44) Guenther said she would be prepare the findings and conclusion.

(1:53:25) Bloch closed the Public Hearing at 3:51 pm.

VI. ANNOUNCEMENTS AND CORRESPONDENCE

(1:54:01) Bloch said there had been mention of correspondence relating to the hearing Is there any other correspondence?

(1:54:16) Theilacker referred to communication from John Ayer with regard to the CIC discussion. Danos also advised she received the municipal code updates and changes. Bloch indicated he didn't see that communication and Danos advised she forwarded it to everyone and requested that it be included in the packet. Bloch suggested putting the information forward as this topic will not be discussed in this meeting but is the topic of the next work session.

(1:55:53) Carlson advised that she enjoys her time on the Planning Commission but her business is expanding and she is opening a second landscaping design build firm serving the entire state of Oregon. She was making an effort to locate housing in Yachats as her landlords decided to sell their house and being unable to find housing in Yachats so she could continue her work on the Planning Commission she is relocating to Portland. She is resigning her position on the Commission and thanked the other Commissioners and indicated that she's been on the Commission for a little over two years and she learned a lot and enjoyed her time and since she's resigning, she can't vote for Julie Bailey but if she was, she'd vote for her she'll make a great addition.

(1:57:31) Bloch thanked Carlson for her time on the Commission and asked for a clarification on her resignation. She advised she would make the resignation effective at the end of the meeting thereby allowing her to participate in the vote on Julie Bailey. Bloch thanked Carlson again for her time on the Commission.

VII. CITIZEN CONCERNS

None.

VIII. NEW BUSINESS

A. Interview Julie Bailey for the Planning Commission

(1:59:35) Julie apparently stepped away...time spent trying to get her back on the meeting. Commission will continue to the next item and come back.

(2:20:51) Bloch returned to the interview with Julie Bailey and she was available. He commented that the Commissioners had a copy of the volunteer application and asked if anyone had questions for her.

Discussion was held regarding her becoming an American citizen on February 22nd and that at least being a requirement for becoming a council member. Discussion continued regarding her preference to in-person meetings and using a hybrid meeting format with both in-person and zoom available. There were no comments from the Commissioners but Bailey indicated she had a couple of comments: She has never worked or volunteered in a government situation before, she doesn't have grant writing experience but does have experience with the business end of planning and codes. She is looking forward to learning.

(2:24:44) Dickinson made the motion to **recommend to the City Council that Julie Bailey become a member of the Planning Commission.**

Vote: Carlson, yes; Danos, yes; Dickinson, yes; Orchard, yes; Theilacker, yes; Bloch, yes. **Motion unanimously.** Her recommendation is on the Council agenda for tomorrow so she would be able to participate in the next meeting.

IX. OLD BUSINESS

A. Vote of CIC Rewrite

(2:01:47) Bloch referred back to correspondence from John Ayer indicating he had some changes regarding the CIC write-up that the Commission has so far. He recommended three specific changes and Bloch read them. He then asked Ayer if he had anything else to add.

(2:03:46) Ayer responded he thought his letter was self-explanatory and that the local residents would, have more faith in transparency through citizen reporting to citizen. He did explain in more detail what he meant by the items in his letter.

(2:05:20) Danos felt they had determined that Public Works and Streets and Parks and Commons all work on land use projects so there needs to be a connection between the three commissions and the CIC. Discussion continued about the CIC and volunteers working with these other two commissions. Change item 4 to: Increase citizen input to long range planning. This may include input to Comprehensive Plan updates. It may also include preparation, distribution, and analysis of community surveys

as required by ~~Planning Commission~~ all land use projects initiated by the City. Item 5 will remain unchanged. Item number 7 will be removed. Item 2 Report directly to the Yachats City Planner concerning all active projects. Identify the person to do this report and rotate the function to provide opportunities for cross training. Danos and Guenther liked changing it to the Planning Commission, Theilacker disagreed.

(2:12:01) Danos suggested holding off on the changing of Item 2 until speaking with DLCD and Hui. She felt Hui would be helpful to parse out the mechanism to get this going.

(2:12:22) Bloch indicated that would put off getting this done for a good deal of time and several rewrites have already been done and he would rather have an agreement reached in this meeting.

(2:12:40) Theilacker explained his reasoning for having the CIC report to the City Planner.

(2:14:08) Danos interjected about the Water Sustainability "Committee" and perhaps the City doesn't want a CIC Committee due to public meeting laws, etc.

(2:14:58) Guenther advised a meeting was held the other day and what is desired is to have groups work effectively but not be subject to all the red tape. She also indicated that she felt the State mandated this be a committee and that would require staff time for minutes, etc.

(2:16:30) Dickinson indicated he was not a proponent of moving it to the Planning Commission as stated in other comments. He also wanted the Commission to realize the committee was not being set up right now, just making recommendations and if DLCD determines something is not appropriate those setting up the committee will take that into account.

(2:17:28) Orchard clarified that no changes will be made to Item 2 and make changes along the way if DLCD or Council recommends otherwise.

(2:18:34) Bloch agreed with Dickinson's about the recommendation and just recommend what the commission thinks is appropriate and if city council wants to change it, they can.

(2:18:59) Theilacker made the motion: **that the Planning Commission move the Citizen Involvement Committee structure as dated 2/21/22, February 21, 2022, the most recent version, as amended today by the Planning Commission in particular, changes to duties number 4, 5 and 7 as discussed for Council consideration.**

Vote: Carlson, yes; Danos, yes; Dickinson, yes; Orchard, yes; Theilacker, yes; Bloch, yes. **Motion carried unanimously.**

(2:20:18) Bloch said he would make the changes and send it out to the Commissioners in an email and to the Mayor.

X. **PLANNER REPORT**

(2:27:06) Guenther advised she had nothing formal and was going to try to get another building report into the packet but had to choose between pleasing the Commission or pleasing the IRS. She would like to do them perhaps quarterly and then do a year-end summary. She advised she has spoken with all the local contractors and it appears it will be another busy

summer for building. Good news is she has actually been able to listen to all the voice mails and started to reply to some of her emails and will be caught up in time to get slammed again. She is hoping to meet with Bloch and Theilacker monthly the week before the Commission meeting to review the agenda. She reiterated that she is meeting every other week with Hui Radomsky from DLCD which has been really helpful. She is hopeful to be able to turn around upcoming building permits in a week or two.

(2:29:46) Theilacker asked the status of the wetlands mapping project that we needed to update for Council approval.

(2:30:02) Guenther indicated it needed to be updated for Department of State Lands. She said it was completed in June, 2011 and it ended up sitting on a shelf in the planner's office and it never got fully adopted by DSL. Because of how long it sat the information now needs to be in a different format; that is where that GIS mapping is needed. She's hoping to "carry it across the finish line". She explained that right now she has to use the State map for wetlands instead of the local map.

(2:32:23) Theilacker asked for confirmation that Guenther received a letter from DSL basically saying if you do these things it can be adopted. Guenther advised that was the hope but it was more complicated than originally thought and then her focus went elsewhere.

(33:43) Bloch felt that with the sale proposed for the Adobe that there may be a wetlands issue coming up in the near future. Guenther advised the sale was actually complete and conversation was held about the possible wetlands issue.

(2:35:05) Orchard asked who the new owners were and Guenther replied that it was actually purchased under a couple of LLCs.

(2:35:50) Danos wanted to understand if they were not getting a monthly planner's report or just getting a different format. Guenther answered she would like to do them quarterly because it is time consuming. She is willing to do it monthly but be able to do it more easily quarterly. Danos interjected saying the report was more than just building permits and having information like the Adobe being sold is something the Planning Commission needs to know. Discussion continued on what the Commission needed to know such as business sales, etc. Danos asked about the 3rd St property and if there has been any movement and if the debris would be cleared anytime soon. Those are the types of things she felt the Commission should be made aware of in a report. Guenther advised that she works six days a week and would like to make the best use of her time as Planner. More discussion was held on what is appropriate for Guenther to relay to the Planning Commission. Danos summarized her request by saying that often times the Commission is asked questions about projects and without a monthly report they don't necessarily have information to impart. Guenther agreed that she would be sure to report any land use activities to the Commission as they come about, upcoming projects as well as status of projects already approved.

XI. OTHER BUSINESS

A. From the Commission

1 (2:26:36) Theilacker advised that he had discussed with Bloch and
2 Guenther the idea of moving the work session to a week in advance of the
3 regular Planning Commission meeting rather an hour before and he went
4 on to explain his reasoning.

5 (2:29:28) Bloch commented that if there was a public hearing coming up,
6 the Commission would be unable to discuss it in a work session one week
7 prior without allowing the applicant access. Guenther advised the thought
8 was a good idea, but the Commission would have to be very, very careful
9 about what was being discussed regarding any land use application. She
10 went on to say that she has to submit all information regarding a public
11 hearing a week in advance anyway so that would give the time needed for
12 review and to request any further information.

13 (2:53:53) Dickinson voiced the concern that even the appearance of
14 deliberating during a working session would be inappropriate. As far as a
15 separate work session he felt it would be helpful to get actual work done.

16 (2:55:00) Danos also like the idea of a separate work session citing the
17 fact that if the Commission "is on a roll" with something they have to stop
18 at 3 pm for the public meeting. If something is accomplished the
19 Commission wouldn't have to wait for the next month to approve it, it could
20 be approved the next week. Discussion continued amongst the
21 Commission and all agreed that it was a good idea. Orchard suggested
22 leaving the option open that if there isn't something to work on the session
23 could be cancelled.

24 (2:27:18) Bloch did bring to the Commission's attention that an additional
25 meeting would impact staff time and that needed to be taken into
26 consideration. Guenther indicated the staff time would be her and she is in
27 favor of two meetings because long meetings are draining and people lose
28 focus. She also pointed out that a quorum is not required for a work
29 session so things can still get done if someone can't make it.

30 (2:59:46) Danos brought up playing "catch-up" with meeting minutes and
31 asked if they would now be done regularly and if so if there are minor
32 changes can they be emailed in. Guenther said that could be done and
33 advised changes could be emailed to the admin email address for the
34 City.

35
36 Meeting adjourned at 5:00 pm.

37 Transcribed by Contractor, L.F. Barrett, May 2, 2022