

1. 2:00 P.M. Agenda

Documents:

[2024-09-17 Planning Commission Regular Meeting Agenda.pdf](#)

2. Meeting Material

Documents:

[2024-08-20 Planning Summary.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Tuesday, September 17, 2024, at 2:00 pm
To Be Held Via Zoom & In Person Located at:
Commons Bldg., Civic Meeting Room 1
441 Hwy 101 N., Yachats OR 97498

Join Zoom Meeting

<https://us02web.zoom.us/j/82730920856>

Meeting ID: 827 3092 0856

Regular Meeting

- I. Meeting Called to Order
- II. Announcements and Correspondence
- III. Citizens' Concerns (limited to items not on the agenda, 5-minute limitation per person)
- IV. Public Hearings
- V. Ongoing Business
- VI. Reports
 - a. Commission Chairs' Meeting
 - b. Planner's Report
 - c. Meeting Summary
 - d. Issues List
- VII. Other Business
 - a. From Commission
 - b. From Staff

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. POSTED 09/12/2024 By: Kimmie Jackson, Recorder

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ACTION SUMMARY

Date:	August 20, 2024
Time:	2:00 pm
Place:	441 Hwy 101 N., Commons Civic Meeting Room 1, Yachats OR 97498
Attending:	Loren Dickinson, Craig Hogan, Mary Aebi, Jim Paul, Jolene Gosselin, Chair Marc Sakamoto and Tod Davies, Co-Chair
Absent	N/A

I. Agenda Item Announcements/Correspondence: None

II. Agenda Item Citizens Concerns

III. PUBLIC HEARING

Property Setbacks and Street Vacations Discussion

The Commission discussed several issues related to property setbacks and street vacations. It was highlighted a variance request to reduce a street side yard setback and add an extension to an existing home on a corner lot, where the street front yard setback was being imposed on a virtual street. Also mentioned a neighbor's petition to vacate a 100-foot stretch of road across from her property, which was put on hold due to drainage issues. Furthermore, it was discussed a situation where a lot would have grown by twenty-five feet in width, resulting in a reduced street setback, and questioned the main issue of reducing the setback on the street side where the street doesn't exist and will not be built.

Variance Application Review and Contractor Engagement

The planner led a discussion on the process of reviewing a variance application, with Larry presenting an extension application for his house. The Planner outlined the criteria for issuing a variance and encouraged public input. The team's efforts to engage contractors during the Covid-19 pandemic were also discussed, with the planner's support. A question was raised about a specific planning item, although the item was not specified in the transcript.

Construction Issues and Non-Conforming Uses

The planner clarified several construction-related issues, explained that a mistake in the 10-foot setbacks on a permit application did not constitute a violation of the ordinance, and emphasized the difference between 'required' and 'clear' setbacks. Also discussed a problem with a building's setbacks and accessory structures not complying with the

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R1 standards, attributing this to a clerical error rather than substantial non-compliance. The planner highlighted the potential legal issues that could arise from mistakes in building height calculations and the responsibility of the city in reviewing plans; also touched on the concept of non-conforming uses and the importance of distinguishing between intentional and unintentional non-conformities.

Property Development and Variance Request Concerns

The planner discussed the complexities of a proposed property development. She expressed concerns about the potential vacation of a portion of the property, which could significantly alter the setback situation and impact the variance request; also highlighted the importance of considering the future use of the property, suggesting it could be better utilized as a pocket park or similar public space. Despite the uncertainties surrounding the vacation, the planner emphasized that the decision should be based on the criteria for granting a variance, rather than the potential for future development.

Unusual Setback Variance Request

Discussed a variance request for a property with an unusual setback situation. The property in question has a deck that extends beyond the 20-foot setback line, which doesn't currently exist due to the unpaid status of the street. It was argued that the non-approval of this variance would cause undue hardship, as the deck is already in place and removing it would be impractical. Also suggested that the best course of action would be to present all available information and hope for a common-sense solution, as the situation doesn't fit neatly into the existing code.

East Addition and Cedar Street Plans

The Commission discussed the plans for the new East Addition to a house, noting that the addition's footprint would be in line with the existing deck's and would be lower than the roof line. It was mentioned that there was no written plan from public works regarding Cedar Street, and the decision would rest with the Council. Also highlighted that if Cedar Street were extended, it could create issues with the setback requirements; and suggested applying for an address change as a possible solution.

Thorntons' Deck Replacement Concerns Discussed

It was raised concerns about potential hardships for Thorntons if their request to replace a deck with a room was not approved; then questioned whether this would constitute a hardship, given that they had assumed they could make such changes in good faith. Also mentioned is a previous instance where a similar request was denied without any hardship being found. The team agreed that a proposed variance to allow a building

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addition to match the existing deck's configuration would satisfy their requirements and limit the amount of the setback.

Discussion and a voice vote on a complex issue, which was approved by all commission members.

IV. ONGOING BUSINESS

The planner outlined various ongoing projects and issues, including the Finance Committee's work on utility charge adjustments, a waiting list for short-term rental licenses, and plans for an emergency preparedness fair and street repaving. Also noted that new Public Works standards were under review and that the city manager, and the Finance Committee were updating permitting fees, which could impact the team.

Parks Initiative, Permits, and Vacated Properties

It was introduced the Parks Department's new initiative to review and update maintenance plans for each park, with the aim of improving efficiency and exploring a 'adopt a park' program. Also addressed the query about searching for permits in his neighborhood, committing to further investigate the search capabilities of the permitting database. It was discussed the ongoing debate about the city's policy of not charging for vacated properties and suggested using the assessed value per square foot as a formula to determine the cost. Lastly, reported no new building activities and anticipated the announcement of the housing grant start date soon.

Discussions on various planning commission matters, including the review of variance requests, the potential impact of property setbacks and street vacations, and the complexities of proposed property developments. Also addressed ongoing projects and issues, such as utility charge adjustments, short-term rental licenses, and the Parks Department's new initiative to update maintenance plans. Lastly, it was touched on the city's policy of not charging for vacated properties and anticipated the announcement of the housing grant start date.

The continued discussion of ADU's will be moved to next month meeting,

Next steps

- Planner to prepare findings on the approved variance for the Thornton property.
- Planner to follow up with Larry Thornton regarding next steps for the variance approval.

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- Planning Commission to postpone continued discussion of ADUs to a future meeting. Planner, Chair Linn West of Public Works & Streets and Chair Sakamoto, and Lynn to meet next Wednesday to review new Public Works standards that may apply to planning.
- Planner to investigate options for making permit information more easily searchable for the public.
- Planner to provide an updated building activity report at the next meeting.
- City Council to consider potential changes to the street vacation policy, including possibly charging for vacated property.
- Planner to continue monitoring for updates from DLCD on the start date for the Housing Grant.
- Recorder to include meeting summaries in future Planning Commission packets.
- City staff to continue negotiations with Mr. Roca regarding potential timber harvesting restrictions.

V. REPORTS

- A. Planner did not have a written report this month.
- B. Summary Report attached to the online packet.

VI. Other Business: None

Adjourned Meeting:	3:40 p.m.
Prepared By:	Kimmie Jackson, Recorder