1. 2:00 P.M. Agenda

   Documents:

   2025-03-18 Planning Commission WS And Regular Agenda.pdf

2. Meeting Material

   Documents:

   Blank- Goals And Tracking City Of Yachats - 2025 Goals (1).Pdf
   Paul Resignation Letter.pdf
   ADMINISTRATION AND ENFORCEMENT (1).Pdf
   Building Activity 3-15-25.Pdf
   2025-02-18 Planning Summary Minutes.pdf

CITY OF YACHATS
PLANNING COMMISSION WORK SESSION
Tuesday, March 18, 2025, 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/88930451065
Meeting ID: 889 3045 1065

Work Session

I. Meeting called to order
II. Guided discussion of planning commission priorities and goals.
City Manager Bobbi Price will attend to help facilitate.
City of Yachats 2025 Goals

Regular Meeting

Join Zoom Meeting
https://us02web.zoom.us/j/88930451065
Meeting ID: 889 3045 1065

I. Meeting Called to Order
II. Announcements and Correspondence
III. Citizens' Concerns (limited to items not on the agenda, 5-minute limitation per person)

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 before the meeting. The minutes of this meeting are the Audio Tape which will be added to the packet after the meeting within 48 hours. Per ORS 192.630, the 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 03/13/2025 By: Neal Morphis, City Clerk

IV. Ongoing Business – None

V. New Business – Discussion of YMC Section 9.88.010 (Consequences for non-compliance with Title 9)

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 before the meeting. The minutes of this meeting are the Audio Tape which will be added to the packet after the meeting within 48 hours. Per ORS 192.630, the 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 03/13/2025 By: Neal Morphis, City Clerk

City of Yachats 2025 Goals

City of Yachats Vision

Our village is a place where natural resources are valued and protected, where diversity is celebrated, and where a vibrant economy and sense of community pride create and recreate a living spirit. Yachats cares not just for its citizens' basic needs but also supports them in their efforts to excel mentally, physically, artistically, and spiritually. It is a community with an enduring sense of itself.

FOCUS AREA	GOAL	#	2025 ACTIONS	DELIVERABLES	Budget Fund	ACTION LEAD	Q1 Project Updates	Q2 Project Updates	Q3 Project Updates	Q4 project Updates
Liveability		1.1								
		1.2								
		1.3								
		1.4								
		1.5								
		2.1								
		2.2								
		2.3								
		2.4								
		2.5								
		3.1								
		3.2								
		3.3								
		4.1								
		4.2								
		4.3								
		4.4								
		4.5								
		5.1								
		5.2								
		5.3								
		5.4								
		5.5								
		6.1								
		6.2								
		6.3								
		6.4								
		7.1								
		7.2								
		7.3								
		7.4								

From: James Paul <jtpthree@gmail.com>
Sent: Friday, February 21, 2025 9:39 AM
To: Marc Sakamoto <marcsakamoto.planning@gmail.com>; Tod Davies <tod.davies@gmail.com>
Cc: Loren Dickinson <lorendickinson@gmail.com>; Mary A <pccmaebi@gmail.com>; Jolene Gosselin <gosscamp@nwi.net>; Craig Hogan <craigyachats@gmail.com>; Mayor <Mayor@YachatsMail.org>; Bobbi Price <citymanager@YachatsMail.org>
Subject: Planning Commission

Please consider this my resignation from the Commission effective now.

I took my appointment as a Commissioner very seriously, spending hours and hours educating myself on the Commission's business, and as a retired lawyer studying the law regarding the Commission's job and obligations.

During the past year, from my perspective, I have learned that the Commission does not do much planning. As we all know, this is not easy, and yet I see this as perhaps the most important of the Commission's two core reasons for its existence:
1) longer term planning, and
2) approving permits for land development.

In spite of that, the leadership of the Commission has decided to cut in half the default time the Commission meets to do its business from four to two hours a month.

Also, the Commission has had difficulties in doing its job in recent years, among other things losing three highly qualified members who have declined to remain on the Commission.

Further, the City Manager announced in our last meeting that all the Commission's work must go through the current City Planner in the rather rigid new structure presented to the Commission. I see this as increasing the risk that the Commission's effectiveness will be slowed and diminished.

In my view, for these and other reasons, it is now even more difficult for the Commission to do the tasks it has been assigned by applicable law.

I have very much enjoyed meeting the talented members of the Commission and I wish you all the best.
Jim Paul

CHAPTER 9.88
ADMINISTRATION AND ENFORCEMENT

§ 9.88.010. Compliance with title provisions.

A. A lot may be used and a structure or part of a structure may be constructed, altered, occupied or used as this title permits.

B. No lot area, yard, off-street parking or loading area or other open space existing on or after the effective date of the ordinance codified in this title shall be reduced below the minimum required for it by this title.

C. No lot area, yard or off-street parking or loading area or other required open space for one use shall be used as the required area, yard, off-street parking or loading area, or other required open space for another use.

(Ord. 73E § 1.010, 1992)

§ 9.88.020. Administration authority.

The City Council, Planning Commission and/or its designates shall have the power and duty to enforce the provisions of this title.

(Ord. 73E § 14.010, 1992)

§ 9.88.030. Consolidated application procedure.

If a proposed development requires more than one application for a permit or zone change request, the applicant may choose to apply for all necessary applications at the same time. In this case, the Planning Commission shall consolidate its review of all necessary applications. If review by the City Council is necessary, the City Council shall also consolidate its review of all necessary applications. This consolidated application procedure shall be subject to the requirements of Section 9.88.080.

(Ord. 73E § 14.020, 1992)

§ 9.88.040. Form of petitions, applications and appeals.

All petitions, applications and appeals provided for in this title shall be made on forms prescribed by the City. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the material to be used; the external sizes and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, structure or part thereof; the number of families, if any, to be accommodated thereon; and such other information as is needed to determine conformance with this title.

(Ord. 73E § 14.030, 1992)

§ 9.88.050. Filing fees.

The following fees shall be paid to the City Recorder upon the filing of an application. Such fees shall not be refundable, except as provided in Section 9.84.030:

Downloaded from https://ecode360.com/YA5037 on 2025-03-17

1. Changes to the urban growth boundary	$1000.00
2. Conditional use	$250.00
3. Variance	$250.00
4. Change of nonconforming use	$250.00
5. Partitions	$200.00
6. Appeal of:	75% of cost of original or 100.00 whichever is greater.
7. Subdivision	
4-9 lots	$250.00
10 lots or more	$350.00
8. Planned unit development	$1000.00
9. Zone change or change to comp. plan	$500.00
10. Transcripts:	Fees for preparation of written transcripts shall not exceed the cost of preparing the transcript, up to $500.00, plus one half of the actual cost over $500.00.
11. Property line adjustment	$250.00

Applicants shall be charged the actual costs for any expenses related to a land use application that exceed the application fee; including, but not limited to, charges for services performed by outside consultants, engineers, or others for services, work performed by City staff, copies, mailing, and legal notices.
(Ord. 73E § 14.040, 1992; Ord. 195 § 2, 1997; Ord. 234, Amended, 06/19/2003; Ord. 252, Amended, 04/18/2005)

§ 9.88.060. Notice of public hearing.

A. When the Planning Commission or City Council is required to hold a public hearing, notice of the hearing shall be given in the following manner:

1. Quasi-Judicial Applications. Notice of public hearings on any quasi-judicial application shall be provided as follows:

a. By mail to the applicant and to owners of record on the most recent property tax assessment roll of property which is located within 250 feet of the perimeter of the property which is the subject of the notice, at least: (a) 20 days before the evidentiary hearing; or (b) if two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing;

b. By publishing in a newspaper of general circulation in the county at least 10 days prior to the date of the hearing; and

Downloaded from https://ecode360.com/YA5037 on 2025-03-17

c. By posting in three public and conspicuous places at least 10 days prior to the date of the hearing.

2. Text and Zoning Map Amendments. Each notice of a public hearing regarding an amendment to the text of this title or a legislative amendment to the zoning map shall be provided as follows:

a. By publication of a notice in a newspaper of general circulation within the county at least 10 days prior to the date of the hearing;

b. By posting notice in three conspicuous places in the City at least 10 days prior to the date of the hearing.

3. Zone Change, Manufactured Dwelling Park. Each notice of a public hearing on a zone change for property which includes all or part of a manufactured dwelling park shall be sent by first class mail to each existing mailing address for tenants of the manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The City may require the applicant for the zone change to pay the costs of the notice.

B. Notice of a public hearing on a quasi-judicial land use action shall include the following information:

1. The name of the applicant;

2. The date, time and location of the hearing;

3. A description of the location of the property for which a permit or other land use action is pending, including the street address and the subdivision lot and block designation, or tax lot number;

4. A concise description of the proposed development action;

5. A reference to the applicable comprehensive plan and zoning ordinance criteria which apply to the proposal;

6. A statement that a failure to raise an issue in person or by letter, or failure to provide statesments or evidence sufficient to allow the decision-maker an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue;

7. A statement describing where the complete application, criteria and other relevant information is available for review, and how written comments may be submitted;

8. The name and phone number of a local government representative to contact for more information;

9. A statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost, and that copies can be provided at reasonable cost;

10. A statement that a copy of the staff report will be available for inspection at no cost at

Downloaded from https://ecode360.com/YA5037 on 2025-03-17

least seven days prior to the hearing, and that copies can be provided at reasonable cost;

11. A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

C. Failure of a person to receive the notice provided pursuant to subsection B of this section shall not impair the validity of the hearing.

(Ord. 73E § 14.050, 1992; Ord. 180 § 2, 1996)

§ 9.88.070. Authorization of similar uses.

The City Council may permit in a particular zone a use not listed in this title, provided the use is compatible to the uses permitted there by this title. However, this section does not authorize the inclusion in a zone where it is not listed, a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

(Ord. 73E § 14.060, 1992)

§ 9.88.080. Public hearing procedures.

A. Any staff report used at a public hearing on a quasi-judicial land use action shall be available at least seven days prior to the hearing. If additional documents or evidence are provided in support of the application, any party shall be entitled to a continuance of the hearing. This continuance period shall not be counted as part of the 120 day time limit in Section 9.88.090.

B. The Planning Commission or City Council may continue a hearing in order to obtain additional information or to serve further notice upon other property owners it decides may be interested in the proposal being considered. Upon continuing the hearing, the time and date when the hearing is to be resumed shall be announced.

C. Unless there is a continuance, if a participant so requests before the conclusion of the first evidentiary hearing on a land use action, the record shall remain open for at least seven days after the hearing. Whenever the record of a land use hearing is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue. This extension of time shall not be counted as part of the 120 day time limit in Section 9.88.090.

(Ord. 73E § 14.065, 1992; Ord. 180 § 3, 1996)

§ 9.88.090. Final action on application for permit or zone change request.

The following section shall apply to all applications for permits or zone change requests, except those which involve an amendment to the comprehensive plan or zoning ordinance, or the adoption of a new land use regulation.

A. The City shall take final action on an application for a permit or zone change request, including resolution of all local appeals, within 120 days after the application is deemed complete. This 120 day period may be extended for a reasonable period of time at the request of the applicant.

B. If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The

Downloaded from https://ecode360.com/YA5037 on 2025-03-17

applicant shall be given an opportunity to submit the additional information. The application shall be deemed complete upon receipt of the additional information required. Refusal by the applicant to submit the required additional information shall deem the application complete on the forty-fifth day after the governing body first received the application.

C. All documents or evidence provided by the applicant shall be submitted to the City and be made available to the public at the time the notice of public hearing required by Section 9.88.060(B) is provided.

D. If the application was complete when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, the City's approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(Ord. 73E § 14.070, 1992)

§ 9.88.100. Findings of fact.

Approval or denial of a permit application shall be based upon and accompanied by a brief statement (findings of fact) that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth. In lieu of a separate document addressing these findings, the minutes of the Planning Commission or City Council which reflect the criteria, standards, facts and decision may be used as findings of fact.

(Ord. 73E § 14.080, 1992)

§ 9.88.110. Effective date of decision.

The effective date of a decision of the Planning Commission or City Council is the date of adoption of the findings of fact, if available. In the case where the record of minutes serves as the findings, the effective date of decision is the date on which these minutes are approved.

Within five days of adoption of a decision, the City Recorder shall send written notice of the decision to the applicant(s) and all other persons who submitted testimony at the hearing.

(Ord. 73E § 14.090, 1992)

§ 9.88.120. Appeals.

A. Any action or ruling of the Planning Commission pursuant to this title may be appealed within 15 days of the effective date of decision, as noted in Section 9.88.110. If the appeal is not filed within this 15 day period, the decision of the Planning Commission shall be final.

B. To appeal a decision of the Planning Commission, the appellant(s) shall submit an appeal form with the appropriate filing fee at the City office. An appeal that does not address applicable criteria will be deemed incomplete and returned to the appellant(s).

C. Upon receipt of an appeal request, it shall be scheduled for a public hearing with the City Council and duly noticed, in accordance with the provisions of Section 9.88.060. The Council shall be provided with the Planning Commission's findings and recommendations for review prior to the hearing.

Downloaded from https://ecode360.com/YA5037 on 2025-03-17

D. At the conclusion of the hearing, the Council may uphold the decision of the Planning Commission or the appeal or remand the matter back to the Planning Commission for reconsideration.

E. At its discretion the City Council may choose to initiate the appeal process and the fee shall be waived.

(Ord. 73E § 14.100, 1992)

§ 9.88.130. Interpretation of provisions.

Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern, except in a planned unit development.

(Ord. 73E § 15.010, 1992)

§ 9.88.140. Unanticipated provisions.

Anything not covered by this title shall be permitted only by unanimous agreement of the City Council after a public hearing.

(Ord. 73E § 15.030, 1992)

§ 9.88.150. Zoning of annexed areas.

Zoning regulations applicable to an area prior to annexation to Yachats shall continue to apply and shall be enforced by the City Council until the City Council changes the zoning. The Planning Commission shall thoroughly and expeditiously investigate the annexed property and recommend the appropriate zone to the City Council for adoption after review in public meetings and receiving testimony from the affected parties.

(Ord. 73E § 15.040, 1992)

§ 9.88.160. Highway cuts.

Cuts on Highway 101 shall be allowed only if no other alternative is available.

(Ord. 73E § 15.050,1992)

§ 9.88.170. Violation—Penalty.

Any person violating or causing the violation of any provisions of this title shall be deemed to have committed a Class A civil infraction, such infraction to be processed in accordance with the procedures set forth in Chapter 1.12 which governs all civil infractions.

(Ord. 73E § 16.010, 1992; Ord. 180 § 4, 1996)

Downloaded from https://ecode360.com/YA5037 on 2025-03-17

City of Yachats Building Activity
January 1 - March 15, 2025

Project Name	Description	Parcel #	Address	Zone	Opened	Status
KAHN	New SFD	14-12-26-BC-7400	100 Gimlet Lane	R1	11/2/23	Permit Extended
TAYLOR	Accessory Structure	14-12-27-DA-10601	160 West 2nd Street	C1	1/10/25	In Review (LC)
DUEA	Garage Conversion	14-12-27-AC-6100	566 Ocean View Drive	R1	1/29/25	In Review (LC)
DE LEON	New SFD	14-12-34-AA-200	TBD Highway 101S	R1	1/29/25	In Review (CoY)
MOORE	Addition to SFD	14-12-26-CB-2200	337 East 2nd Street	R1	2/5/25	In Review (LC)
FISCHER	New SFD	14-12-34-AC-6700	30 Surfside Drive	R1	2/5/25	In Review (LC)
HALLA	Addition to SFD	14-12-27-AA-1315	407 Aqua Vista Loop	R2	3/3/25	In Review (LC)
CHOWDHURY	New SFD	14-12--26-BC-5300	TBD Horizon Hill Road	R1	3/5/25	In Review (CoY)
SERBU	Addition to Motel	14-12-27-AD-3900	TBD Highway 101	C1	3/5/25	In Review (CoY)
TAYLOR	New SFD	14-12-27-DA-5100	536 W 4th Street	C1	3/7/25	In Review (CoY)
DANIEL	Solar Rack	14-12-26-BB-3000	221 Windsong	R1	3/10/25	In Review (LC)

CITY OF YACHATS
PLANNING WORK SESSION & REGULAR COMMISSION
SUMMARY MINUTES OF February 18, 2025

The Work Session of the Planning Commission was called to order by Vice-Chair Tod Davies at 2:00 pm in the Civic Meeting Room of the Yachats Commons. Members present: Marc Sakamoto, Loren Dickinson, Mary Aebi, Jim Paul, and Jolene Gosselin. Absent: Craig Hogan, Staff: Katherine Guenther, Planner, and Recorder Kimmie Jackson.
Audience: 7

WORK SESSION

City Manager Bobbi Price presented the City's organization with charts showing how decision-making flows and the budget process works.

Meeting adjourned at 2:55 pm.

REGULAR MEETING

The Regular Planning Commission was called to order by Chair Marc Sakamoto at 3:00 pm in the Civic Meeting Room of the Yachats Commons. Members present: Tod Davies, Loren Dickinson, Mary Aebi, Jim Paul, and Jolene Gosselin. Absent: Craig Hogan, Staff: Katherine Guenther, Planner, and Recorder Kimmie Jackson

I. **Announcement & Correspondence**
   a. None

II. **Citizens Concerns**
   a. None

III. Public Hearing
   a. Case File #1-CU-PC25 Hedlund Home Occupation. The public hearing was convened to gather community input regarding the proposed proposal, zoning changes, and development plans. Chair Sakamoto opened the meeting, providing an overview of the purpose and format of the public hearing. Planner Guenther presented key information

about the conditional use application, including objectives, potential impacts, and related data and research findings.

Community members were invited to provide their feedback, including support or opposition. Mike Fyfe of Yachats had questions about the signage, and the planner addressed his concerns and favored this application. The commission members had minimal questions. Chair Sakamoto thanked all participants for their contributions and reiterated the importance of community input in the decision-making process.

A Motion was made to approve case file #1-CU-PC25 Hedlund Home Occupation, accompanied by the specified conditions that the business sign will be mounted on the retaining wall not to exceed 2 feet high or 1 ½ feet if the sign is hanging.

The Vote was taken -Aye: Tod Davies, Loren Dickinson, Mary Aebi, Jolene Gosselin, and Marc Sakamoto; Absent: Craig Hogan. Abstain: Jim Paul stated he did not review the material.

IV. Ongoing Business

a. FEMA Model Code Update -The following steps are for the Council to review the information and determine how to proceed.

V. New Business

a. The Board of Directors of Habitat for Humanity needs volunteers. Commission members Jolene Gosselin and Nicole Hedlund have volunteered.
b. Potential Land Bank Opportunity: City Manager Bobbi discusses the role of land banks, addressing the issues of vacant properties, exploring how land banks can address water reservoirs and housing shortages, and promoting innovative land uses.

VI. Reports

a. Commission Chair Meeting

b. The Planner's Report was presented at the meeting and will be added to the online packet after the meeting. Planner Guenther highlighted that the wetlands project was moving forward.
c. Meeting summary is attached to the online packet for review.
d. The Issues List is attached to the online packet for the status of projects and planning issues. The list of questions was sent to Cascadia Partners, and Victor Tran will take the lead on this. The community input meeting will be on March 12, 2025, and the Strong Town Meeting is tomorrow at the Commons.

The meeting adjourned at 4:17 pm.
By: Kimmie Jackson, Recorder