

1. Agenda

Documents:

[PC_AGENDA_1-19-16.PDF](#)

2. Meeting Materials

Documents:

[MEMO_NONCONFORMING_LOTS_1-16.PDF](#)

[PLANNERS_REPORT-1-16.PDF](#)

[APP_DICKINSON-1-16.PDF](#)

[APP_DERIBERPREY-1-16.PDF](#)

[PC_WS_MINUTES-1-19-16.PDF](#)

[PC_MINUTES-1-19-16.PDF](#)

[APP_ANDERSON-1-16.PDF](#)

[MEMO_SECTION_5.08.110_NOXIOUS_AND_INVASIVE_VEGETATION_AMENDMENT.PDF](#)

[MEMO_VACATION_RENTALS-1-16.PDF](#)



CITY OF YACHATS
Planning Commission
January 19, 2016
Civic Meeting Room - Yachats Commons

WORK SESSION – 2:00 P.M.

Proposed Text Amendments

1. Noxious and Invasive Vegetation
2. Vacation Rentals
3. Nonconforming Lots and Uses

REGULAR MEETING – 3:00 P.M.

- I. Election of Chair and Vice Chair
- II. Announcements and Correspondence
- III. Minutes
 - Regular Meeting and Work Session – November 17, 2015
- IV. Citizen's Concerns
- V. Public Hearing
- VI. Planner's Report – Larry Lewis
- VII. New Business
 - A. Planning Commission membership
- VIII. Other Business
 - A. From the Commission
 - B. From Staff

Next Meeting Date: February 16, 2016

This meeting is open to the public and all interested citizens are invited to attend. This meeting will be audio taped. All items to be considered by the Commission must be given to the City Office one-week prior to the meeting. Minutes of all public meetings are available for review in the City Office. The facility is handicap-accessible; individuals needing assistance please contact the City Recorder at (541) 547-3565, or Oregon Relay 1-800-735-2900 (T.D.D.) two days in advance. The City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

Posted on January 13, 2016

Nancy Batchelder, City Recorder

January 12, 2016

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Proposed Amendments to Nonconforming Lots and Uses

At the July and August 2015 work sessions, the Planning Commission discussed the need to amend Yachats Zoning & Land Use Code Chapter 9.76 Nonconforming Lots and Uses. The Planning Commission determined that additional language is needed to address development activities that were lawful prior to Code amendments. The Planning Commission reviewed and reached consensus on the attached draft language.

Chapter 9.76 - Nonconforming Lots and Uses

Section 9.76.010 Purpose.

There were lots, structures, ~~and uses,~~ and development activity that were lawful before the ordinance codified in this title was adopted or amended, but which have become either prohibited, regulated or restricted under the new terms and conditions of this title. They shall hereafter be referred to as pre-existing, nonconforming lots, structures, ~~and uses,~~ and development activity.

It is recognized that significant expenditures of personal and financial energy may have been invested in the development of such uses, ~~and structures~~ and development activity and that to dismiss these expenditures as no longer relevant would be harmful to the public welfare, both in regards to the community harmony and with respect to support that will be needed to improve the quality, aesthetics and functional aspects of the community.

It is therefore the intent of this title to allow these structures, ~~and uses~~ and development activity that existed prior to the adoption of the ordinance codified in this title to continue, including normal maintenance, repair or replacement in case of damage due to disaster or any means of destruction. (Ord. 73E § 11.010, 1992)

Section 9.76.020 Continuation of nonconforming use or structure.

Subject to the provisions of ORS 215.130 and subsequent provisions of this chapter, a lawful nonconforming structure, ~~or use~~ or development activity may be continued. ~~The extension of a lawful nonconforming use to a portion of a structure which was arranged or initiated for the lawful nonconforming use at the time of passage of the ordinance codified in this title is not considered an enlargement or expansion of a nonconforming use.~~ (Ord. 73E § 11.020, 1992)

Section 9.76.030 Discontinuance of nonconforming use.

A. If a nonconforming use involving a structure is discontinued or if a nonconforming trailer house is removed for a period of one year, further use of the property shall conform to this title.

B. If a nonconforming use or development activity not involving a structure is discontinued for a period of six months, further use of the property shall conform to this title. (Ord. 73E § 11.030, 1992)

Section 9.76.040 Change of nonconforming use.

A. If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this title.

B. If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this title unless the planning commission determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced. (Ord. 73E § 11.040, 1992)

Section 9.76.050 Destruction of nonconforming use.

If a nonconforming structure or structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty (80) percent of its fair market value as indicated by the records of the county assessor and is not returned to use within one year from the date of destruction, a future structure or use on the site shall conform to this title except that replacement of nonconforming signs shall be in accordance with the provisions of this title. (Ord. 73E § 11.050, 1992)

Section 9.76.060 Expansion of nonconforming uses.

A nonconforming use existing at the time that zoning was or is adopted in the area of such use, or changed in the area, may be expanded if such expanded use does not result in an increase in the degree to which a structure or use is nonconforming. (Ord. 175, 1995; Ord. 73E § 11.060, 1992)

Section 9.76.070 Discontinuance of nonconforming uses.

A nonconforming use [or development activity](#) determined by the planning commission to be detrimental to the public health, safety or welfare shall be discontinued after a period of time determined by the planning commission to be the amortized life of the use. (Ord. 73E § 11.070, 1992)

Section 9.76.080 Undersized lots of record.

A. Any lot having an area or dimension less than the minimum shall be designated a building site provided the following criteria are met:

1. The lot is shown on an officially approved and recorded subdivision map; and
2. The lot was of legal area and dimension for a building site or was a legal nonconforming building site at the time the ordinance codified in this title was adopted.

B. No lot, or combination of contiguous lots, either vacant or containing a single-family dwelling, shall be replatted so that an undersized lot is created, nor shall a lot be replatted if setbacks or dimensions less than the minimum would result. (Ord. 73E § 11.080, 1992)

City of Yachats
2015 LAND USE / BUILDING PERMIT ACTIVITY

For the Period November 11, 2015 through December 31, 2015

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
12/10/15	Building Permit	Robert & Muriel King	14-12-26BC/2400 902 Horizon Hill Rd	R-1	Addition to single family dwelling	Approved 12/15/15



COMMUNITY SERVICE REGISTRATION

Date December 21, 2015

Name Sherry Dickinson

Home Address 333 Jennifer Dr., Yachats

Mailing Address P.O. Box 1107 Yachats, OR 97498

Home Phone 541

Work Phone _____

Email address: _____

I am interested in volunteering my time and talents to the City of Yachats. I am most interested in serving in the following capacity:

☐ Parks & Commons Commission

☐ Library Commission

☐ Public Works & Streets Commission

☒ Planning Commission

☐ Budget Committee

☐ Other Ad Hoc Committee: _____

Please tell us about yourself.

How long have you lived in Yachats full-time: 9 months

Background: Worked as customer rep for corporate accounts at American Express. Worked in Scottsdale Unified School District for 16 years. Retired in 2006. I also worked part time architectural practice

Skills: I have good people skills, I listen well and pay attention to detail.

Why you want to serve on a particular Commission or Committee: I want to be an active participant in the community. I feel after nearly 50 yrs marriage I have an understanding of planning process

As pertinent training opportunities occur, are you willing to attend recommended sessions? (Generally the City would cover the costs.) Yes ☒ No ☐

¹ Note: For Planning Commission you must have been a resident for six months. All applicants must live inside the city limits. (Exception: there may be one member on the Parks and Commons Commission and one member on the Library Commission that live in the greater Yachats area.)

CITY OF YACHATS
PLANNING COMMISSION
Work Session
January 19, 2016
Minutes

Vice Chair Christine Orchard called the January work session to order at 2:00 p.m. in the Civic Meeting room of the Yachats Commons. Members present: Orchard, Nan Scott, Ron Urban and Ken Aebi. Absent: Shelly Shrock. Also present, City Planner Larry Lewis.

There was discussion about the Shoreland Setback amendments that were adopted by the City Council. The Commission discussed the one change the City Council made, i.e. setbacks apply *from either side* of stream. The Commission discussed the process for the City Council to make changes to the Planning Commission's recommendations. The Commission also discussed testimony that was forwarded from the public to the City Council.

The Commission discussed and agreed with the Commission's previous recommended amendment to YMC Section 5.08 Noxious and invasive vegetation.

The Commission discussed and agreed with the Commission's previous recommended amendment related to vacation rentals, i.e. adding a new definition and identifying Licensed Vacation Rentals as an outright use in the residential and commercial zones. Commissioner Orchard noted that editorial changes were needed in the proposed definition of 'vacation rental' which she will make and forward to the city planner and Commissioners.

The Commission discussed and agreed with the Commission's previous recommended amendment related to Nonconforming lots and uses, i.e. adding 'development activity' as a nonconforming use. Commissioner Urban noted that 'development' is well-defined in YMC Section 9.04.030 Definitions.

There was discussion that three separate public hearings will be held for the three above-identified amendments at the Planning Commission's February meeting.

The Planning Commission discussed the need to discuss potential recreational marijuana regulations at the February work session. City Planner Lewis will forward State regulations on recreational marijuana to Commissioners. Lewis will also research the possible 'RV parking' loophole that was identified by a former Commissioner.

The work session was adjourned at 2:50 p.m.

Christine Orchard, Vice Chair

Attest:

Nancy Batchelder, City Recorder

CITY OF YACHATS
PLANNING COMMISSION
January 19, 2016

Minutes

The January meeting of the Yachats Planning Commission was called to order by Chair Nan Scott at 3:00 p.m. in the Civic Meeting room of the Yachats Commons. Members present: Scott, Christine Orchard, Ron Urban, and Ken Aebi. Absent: Shelly Shrock. Also present, City Planner Larry Lewis. Audience – 1.

I. Announcements and Correspondence

None.

II. Election of Chair and Vice Chair

The Commission decided to postpone the election of the Chair and Vice Chair until the February meeting when the two vacant positions are filled and the entire Commission is present.

III. Minutes – Regular Meeting and Work Session – September 15, 2015

Motion to adopt the Minutes of the Regular Meeting and the Work Session of November 17, 2015, Aye – 2, No – 0, Absent – 2 (Scott, Aebi) .

IV. Citizen's Concerns - None

V. Public Hearing - None

VI. Planner's Report – Larry Lewis – Attached, in writing.

VII. New Business

A. Planning Commission membership.

Commissioner Orchard stated that her membership expired and she is seeking reappointment. The Commission noted there are three applicants that have applied for the two vacancies. One applicant, John Deriberprey, was present and described his qualifications and interest in being appointed to the Planning Commission. Following discussion the following motions were made:

Motion to recommend to the City Council that John Deriberprey be appointed to the Planning Commission to complete the remaining 2-years of the 4-year term for one of the vacant positions, Aye - 4, No - 0.

Motion to recommend to the City Council that Commissioner Orchard be re-appointed to a new 4-year term, Aye – 4, No – 0.

1 Since the two other applicants were not present the Planning Commission made
2 the following motion:

3 Motion that the two remaining applications be forwarded to the City Council, and
4 that the City Council appoint one applicant to complete the remaining 2-years of the 4-
5 year term for the second vacant position, Aye – 4, No – 0. The Commission requested
6 staff to notify the three applicants to attend the February 8, 2016 City Council work
7 session to be interviewed for the vacant positions.
8

9 **VI. Other Business**

10 **A. From the Commission**

11
12 Commissioner Scott noted that, on the Shoreland Setback amendments, if any other
13 streams, not currently identified in Section 9.52.070, are identified that intersect the
14 shoreland, then required setbacks will be per Section 9.52.070.A Purpose - Streams
15 and Creeks that Intersect the Shoreland, which states that any other streams and
16 creeks that intersect the shoreland, shall be in accordance with Yachats
17 Comprehensive Plan Goal A. Protection of Natural Resources, Policy 13.
18

19 The meeting was adjourned at 3:37 p.m.
20
21

22 _____
23 Nan Scott, Chair
24
25

26 _____
27 Nancy Batchelder, City Recorder



COMMUNITY SERVICE REGISTRATION

Date 1/14/16

Name Heleen H Anderson

Home Address 77 8th St Yachats

Mailing Address PO Box 314 Yachats 97498

Work Phone
Cell

Email address: om

I am interested in volunteering my time and talents to the City of Yachats. I am most interested in serving in the following capacity:

☐ Parks & Commons Commission

☐ Library Commission

☐ Public Works & Streets Commission

☒ Planning Commission

☐ Budget Committee

☐ Other Ad Hoc Committee: _____

Please tell us about yourself:

How long have you lived in Yachats full-time: 3 1/2 years

Background: BSE Mechanical Engineering. PhD Psychology + Marketing. Professor U of AZ, Business Consultant. Writer. Non profit Boards.

Skills: Analyzing data, problems, resources. Problem solving. Attention to detail. Presenting. Teaching. Technical writing.

Why you want to serve on a particular Commission or Committee: Believe land use is critical variable in future of cities and communities. Enjoy working with municipal codes, both watching and implementing. Wanting to give to Yachats.

As pertinent training opportunities occur, are you willing to attend recommended sessions? (Generally the City would cover the costs.) Yes ☒ No ☐

¹ Note: For Planning Commission you must have been a resident for six months. All applicants must live inside the city limits. (Exception: there may be one member on the Parks and Commons Commission and one member on the Library Commission that live in the greater Yachats area.)

January 12, 2016

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Proposed Amendment to Noxious and Invasive Vegetation Ordinance

Amendments to Yachats Municipal Code (YMC) Section 5.08.110 Noxious and Invasive Vegetation are proposed to coincide with proposed amendments to YMC Section 9.52.070 Shoreland Setbacks. The proposed change, having to do with 'riparian areas' is to replace the word "buffer" with "corridor".

Existing language to remain is shown in plain text.

Existing language to be deleted is shown in ~~red-strikethrough text~~.

New language is shown in **blue text**.

Section 5.08.110 Noxious and invasive vegetation.

- A. No owner or person in charge of real property shall permit, grow or allow noxious vegetation to grow on the property. Nor shall any owner or person in charge of real property permit listed invasive plants within a riparian ~~buffer~~ **corridor**, as described in Section 9.52.07 of this Code (hereafter riparian ~~buffer~~ **corridor**). Noxious vegetation and invasive plants within a riparian ~~buffer~~ **corridor** are declared a nuisance, and their presence is non-conforming with the Yachats Comprehensive Plan. Some species of noxious vegetation are declared public health hazards.
- B. The owner or person in charge of real property shall abate noxious vegetation from the property, or invasive plants within a riparian ~~buffer~~ **corridor** and do so in a manner that will prevent noxious vegetation from going to seed or propagating by other means. The owner and the person in charge shall be jointly and severally liable for the cost of abatement and may be liable for personal injury or damage resulting from the presence of noxious vegetation knowingly propagated on their property.
- C. For purposes of this section, “noxious vegetation” is defined as: introduced “weed” species and native vegetation that is, or is likely to become
1. A health hazard, including plants such as Scotch Broom and others that may seasonally cause severe allergic reactions, and plants such as Poison Hemlock which is extremely toxic if ingested. Any such vegetation shall be prima facie evidence of a health hazard:
 2. A fire hazard, including native and introduced grasses, bushes, weeds or other noxious vegetation allowed to grow in vacant lots or other open areas. Any such vegetation shall be prima facie evidence of a fire hazard:
 3. A traffic hazard, including the presence of trees, bushes, or other tall vegetation that impairs the view of the public thoroughfare, street corner, path, or trail making use of the thoroughfare hazardous. Any such vegetation shall be prima facie evidence of a traffic hazard:
 4. An invasive vegetation competitive with, and destructive to, native vegetation and desired landscape and garden plants; or
 5. A regionally abundant weed of economic importance and which is listed as a noxious weed by Oregon State Department of Agriculture Weed Control Board “B” list and other designated weeds. Of significance, or potential significance, in the Yachats area are the following:

a. Canada thistle	f. Poison hemlock
b. French broom	g. Purple loosestrife
c. Gorse	h. Scotch broom
d. Himalayan blackberry	i. Waterweed (Elodea)
e. Japanese knotweed	j. Tansy ragwort.
- D. For purposes of this section, “invasive plants within a riparian ~~buffer~~ **corridor**” are identified as the following
1. Common Fennel (*Foeniculum vulgare*)
 2. Policeman’s Helmet (*Impatiens glandulifera*)
 3. Knotweeds* *Polygonum* species *Elimination only by approved practices
 4. Old Man’s Beard and Silverlace Vine (*Clematis vitalba* and *Polygonum albertii*)
 5. Atlantic, Irish and English Ivy (Cultivars *Hedera hibernica* and *Hedera helix*)

Existing language to remain is shown in plain text.

Existing language to be deleted is shown in ~~red strikethrough text~~.

New language is shown in **blue text**.

6. Yellow Flag Iris (*Iris pseudacorus*)
7. Purple Loosestrife and Garden Loosestrife (*Lythrum salicaria* & *Lysimachia vulgaris*)
8. Butterfly Bush (*Buddleja davidii*)
9. Reed Canarygrass (*Phalaris arundinacea*)

- E. No owner or person in charge of property shall allow noxious vegetation to be on property or in the right-of-way of a public thoroughfare abutting the property.
- F. An owner or person in charge of property, including any property in the right-of-way of a public thoroughfare abutting the property, shall cut down or destroy noxious vegetation determined by the city to be necessary if it is or to prevent it from becoming a health or fire hazard, or, in the case of weeds or other noxious vegetation, from invading an environment otherwise occupied by native vegetation or ornamental plants not listed as noxious vegetation by a County of State Weed Board.
- G. Questions regarding vegetation identification and methods for the control or eradication of noxious vegetation shall be referred to the Lincoln County Vegetation Management Committee or to the Oregon State Department of Agriculture weed control division, and to the Oregon Revised Statutes, Chapter 570.
- H. No owner or person in charge of property shall allow the uncontrolled growth and accumulation of dead or dormant weeds, brush, high grass, scotch broom, gorse, blackberries or pampas grass to become a fire hazard. This section shall not apply to any of the following:
 1. Any maintained landscaped area;
 2. Any crop grown and maintained for lawful agricultural purposes;
 3. Any natural area on publicly owned land of Yachats;
 4. Any property defined as wetlands by proper authority, if control of vegetation would violate federal, state, or county laws; or
 5. Any property defined as a riparian ~~buffer~~ **corridor**.

Such vegetation shall be removed or eliminated before July 1 of each year, or at any time the City Council declares a period of extreme fire danger, by cutting to a height of no more than 6 inches and mulching all cut materials. If any owner or person in charge of property does not comply with this subsection, the City may contract with a firm licensed to do business within the city limits to bring the property into compliance as provided in Section 5.08.250 Summary abatement. The City may recover all costs as provided in Section 5.08.240 Assessment of costs.

- I. Unless a part of a City approved natural conditions restoration project, within the first Thirty (30) feet of a riparian ~~buffer~~ **corridor**, non specific means, including, but not limited to chemical sprays, mowers or weed eaters shall not be used to control or remove vegetation.
- J. Any actual costs incurred by the City in enforcing this Section, including, but not limited to, summary or other abatement costs pursuant to Subsection B. and G., above, shall become a lien against the property and perfected and recorded as such according to state law.

December 29, 2015

To: Yachats Planning Commission

From: Larry Lewis, City Planner

**RE: Proposed Amendment to Yachats Zoning & Land Use Code
VACATION RENTALS**

In 2014, the City Council requested the Planning Commission consider an amendment to the Zoning & Land Use Code to add “vacation rental facility” as an outright permitted use in the Residential Zones (R-1 through R-4) and in the Retail Commercial Zone (C-1). The Planning Commission reviewed this request at their December 16, 2014 work session.

This is a legislative amendment that requires a public hearing conducted by the Planning Commission. The public hearing process was tabled until other amendment items were ready to proceed through the public hearing process.

The Planning Commission will conduct a public hearing and forward recommended amendments to the City Council.

The following amendments were recommended by the Planning Commission at the December 16, 2014 work session.

Add the following new definition:

9.04.030 Definitions

“Vacation rental” means as defined under Chapter 4.08 Vacation rental.

(Chapter 4.08.020 Definitions defines “Vacation rental” as follows:

“Vacation rental” means a single-family dwelling, duplex or triplex which is rented or available for rent for a period of less than 30 days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling, however, each individual unit is to be considered separately for licensing and regulation purposes. A home which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental.)

9.12 R-1 Residential Zone

Add to 9.12.020 Permitted Uses

J. Licensed Vacation Rental

9.24 R-4 Residential Zone

Add to 9.24.020 Permitted Uses

P. Licensed Vacation Rental

9.16 R-2 Residential Zone

Add to 9.16.020 Permitted Uses

M. Licensed Vacation Rental

9.28 C-1 Residential Zone

Add to 9.28.010 Permitted Uses

Q. Licensed Vacation Rental

9.20 R-3 Residential Zone

Add to 9.20.020 Permitted Uses

O. Licensed Vacation Rental