

1. Agenda Packet

Documents:

[PLANNING_COMMISSION_PACKET_3-15-16.PDF](#)

2. Meeting Materials

Documents:

[VACATION_RENTALS-PC_MEMO.3-16.PDF](#)

[PC_WS_MINUTES-3-15-16.PDF](#)

[PC_AGENDA_3-15-16.PDF](#)

[MEMO_PLANNER_TO_PC_RE_MARIJUANA_STANDARDS_3-16.PDF](#)



CITY OF YACHATS
Planning Commission
March 15, 2016
Civic Meeting Room - Yachats Commons

WORK SESSION – 2:00 P.M.
Recreational Marijuana Standards
Vacation Rentals

REGULAR MEETING – CANCELLED

Next Meeting Date: April 19, 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 March 9, 2016

Nancy Batchelder, City Recorder

March 8, 2016

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Recreational Marijuana Standards

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The commercial zoned properties are outlined in red. There was also discussion about possibly limiting marijuana facilities to commercial zone properties fronting Hwy 101.

COMMERCIAL PROPERTIES WITHIN PROXIMITY OF YYFAP



C-1 COMMERCIAL ZONE



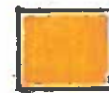
YYFAP PROPERTY



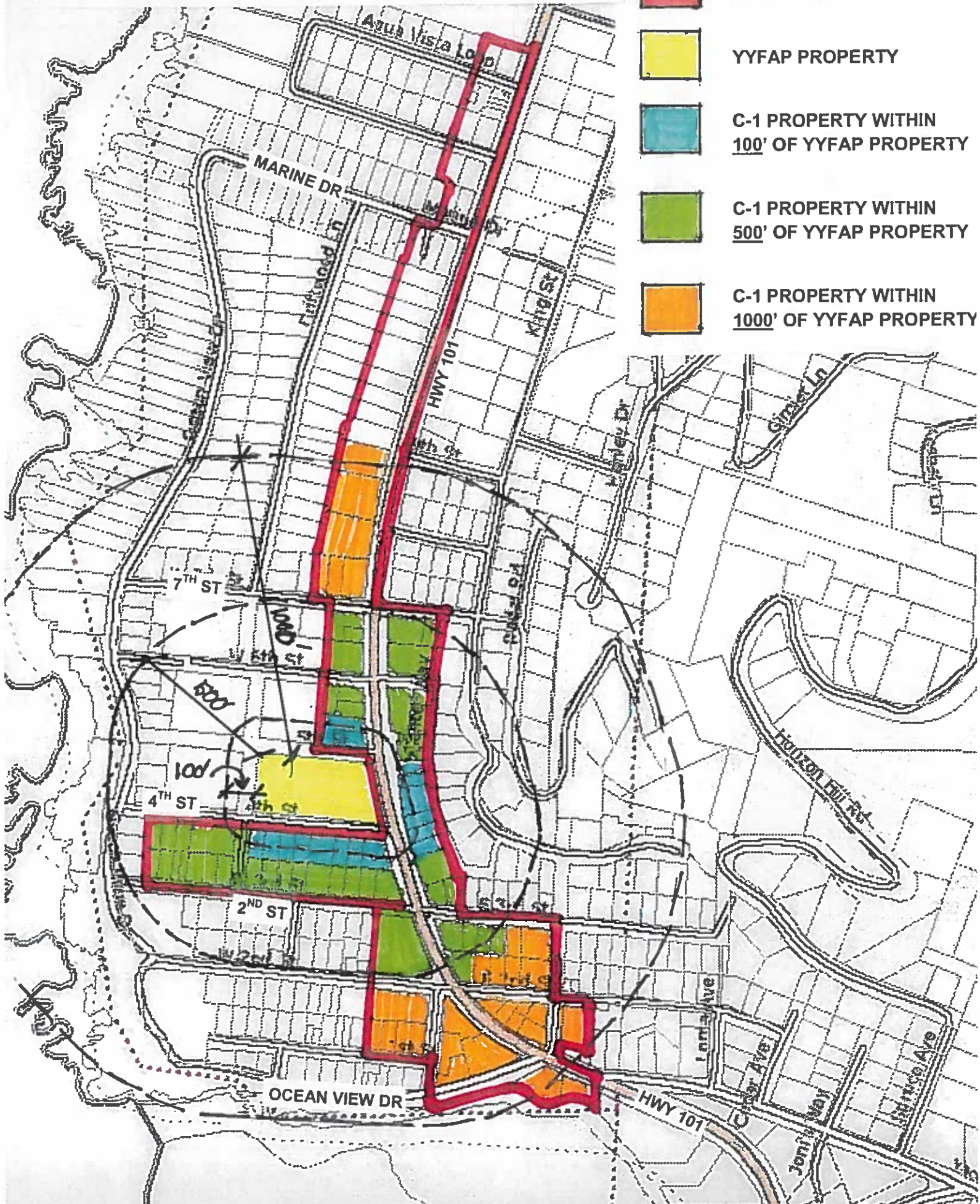
C-1 PROPERTY WITHIN
100' OF YYFAP PROPERTY



C-1 PROPERTY WITHIN
500' OF YYFAP PROPERTY



C-1 PROPERTY WITHIN
1000' OF YYFAP PROPERTY



March 13, 2016

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Vacation Rentals

PROS AND CONS OF VACATION RENTALS AS A CONDITIONAL USE

Proposed Amendment. The City Council requested the Planning Commission insert 'vacation rentals' into Title 9 Zoning & Land Use Code. The Planning Commission drafted an amendment to allow vacation rentals as an outright permitted use in the residential and commercial zones. The Planning Commission also drafted a definition of vacation rental.

Current Vacation Rental Application Review & Decision Process. Prior to approving an application for a vacation rental, the City's Code Enforcement officer ensures the property meets all the standards for operating a vacation rental. The Code Enforcement visits the property and uses a checklist to determine if the property meets all standards.

Zoning & Land Use Code Appeal Process. Adding vacation rentals to the Zoning & Land Use Code establishes vacation rentals as a specific land use. Identifying vacation rentals as a land use establishes the right for anyone to appeal a decision to allow or not allow a vacation rental through the State land use process. That is, a city staff decision may be appealed to the Planning Commission whose decision may be appealed to the City Council whose decision may be appealed to the State Land Use Board of Appeals (LUBA).

Public Testimony. At the February 16, 2016 Planning Commission meeting, the Commission received testimony regarding vacation rentals as a conditional use. Testimony received was both for and against this consideration.

Vacation Rentals as a Conditional Use

The following 'pros and cons' of vacation rentals as a conditional use are initially for Planning Commission work session discussion. Each statement can be viewed as a 'pro' or a 'con'.

Additional Layer of City Control – As a conditional use, the Planning Commission becomes the reviewing body for approval or denial of a vacation rental application.

Public Hearing Process – As a conditional use, vacation rental applications would be reviewed through the land use process, i.e. surrounding property owner notification of public hearing, preparation of staff report, public hearing and decision by the Planning Commission, and appeal period.

Increased Time and Cost – The conditional use would add a minimum two months to a decision on a vacation rental application. Applications would be required to pay a nonrefundable \$250 fee to apply for a vacation rental.

Surrounding Property Owner Notification and Testimony - As a conditional use, property owners within 250 feet of the subject property would receive notice of the

Planning Commission public hearing. Any interested individual or party would have the opportunity to provide written or oral testimony.

Specific Conditional Use Standards - The Planning Commission would need to develop conditional use standards that are specific to vacation rentals. The Planning Commission would then base their decision on whether or not the application demonstrates adherence to the conditional use standards. As with any other land use application, decisions would not be based on public support or opposition. Decisions are based on relevant Code criteria, i.e. the conditional use standards specific to vacation rentals.

It is assumed that the specific standards for a vacation rental would be similar to the existing checklist. It is also assumed that the Planning Commission and city staff would rely on the Code Enforcement officer to conduct normal site visit and review procedures, and to provide input and/or determine if the standards are satisfied.

Future Code Amendments – If additional regulations were placed on vacation rentals in the future, e.g. limiting the number of vacation rentals in a particular area, the Code would need to be amended through the standard process. The standard process includes drafting the proposed amendment, the minimum 35-day notice to DLCD, the Measure 56 notice to affected property owners, and public hearings with the Planning Commission and the City Council.

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CITY OF YACHATS
PLANNING COMMISSION
Work Session
March 15, 2016
Minutes

Vice Chair Ron Urban called the March work session to order at 2:00 p.m. in the Civic Meeting room of the Yachats Commons. Members present: Urban, Christine Orchard, Nan Scott, Ken Aebi, Shelly Shrock, and Helen Anderson. Absent: John Deriberprey.

I. Recreational Marijuana Standards

Scott said that City Council is mainly concerned about the dispensaries only being on Hwy 101 and that they be stand-alone businesses.

The Commissioners reviewed the map that the City Planner had supplied showing three different buffer zones around the Commons – 100, 500 and 1,000 feet.

Urban said that since the last meeting, he has had conversations with others and he has changed his mind about having a 1000 foot buffer around the Commons because the afterschool program is not a school.

Aebi said that he has actually visited several dispensaries to see how they operate and he saw that the procedures they follow are very controlled, so he is no longer concerned.

The Commission discussed why there should be any buffer around the Commons and there was consensus that there was no justification for a buffer of any size.

There was consensus that the only restrictions the Planning Commission wished to put forward is that the dispensaries are required to be on Hwy 101 and that they must be a stand-alone business. A stand-alone business is one that has four walls and a private entrance.

II. Vacation Rentals

Scott said that what she did was try to think about what she valued about the community and balance that against the need for jobs and economic stability for the city.

Scott said that using the property database she did an analysis of the number and percentage of vacation homes by neighborhood.

Scott said that she would like to have property owners submit proof that vacation homes are allowed in their neighborhood as per any CCRs. Although the City cannot enforce those private CCRs it would be a good idea for the owners to provide a copy of them with their vacation rental application.

Aebi suggested that each property should come up for a three-year review at which time the owner, manager and neighbors could be invited to attend a meeting to go over the history of the rental.

Anderson suggested having a Vacation Rental Committee conduct the reviews.

1 Urban said that he is not sure that the Planning Commission could come up with anything more
2 that is not already in the code, with the exception of the addition of the copy of the CCRs.

3
4 Anderson said that one thing that needs to be protected is the volunteer pool. The more homes
5 that are vacation homes mean fewer full-time residents and fewer people to volunteer. There
6 will still be as much work to do and fewer people to do the work.

7
8 Scott said that she likes the idea of having the meeting at the time of application.

9
10 There was consensus that the Commission would put Vacation Rentals into the Code as a
11 Permitted Use in the Residential Zones, and referencing the standards in Chapter 4.08; and,
12 recommend to City Council that the above suggestions that a copy of the CCRs be submitted at
13 the time the application is submitted and a three year review. However, those changes, if made
14 should be included in the current Vacation Rental Code Chapter 4.08 in the Yachats Municipal
15 Code rather than in the Zoning Title.

16 17 **III. Definition of Industrial Use**

18
19 The Commission discussed the need to come up with a definition, and what that definition could
20 be.

21
22 It was suggested that using a percentage of the business would be a good trigger so that a
23 restaurant could produce a sauce to bottle and sell in small quantities without being considered
24 an industry for example.

25
26 Another suggestion was to define a business as industrial when it discharges a certain
27 percentage over the normal household waste into the wastewater treatment system.

28
29 Wastewater Treatment Plant Operator Dave Buckwald will email some information to the
30 members about what other cities have in their codes and continue this discussion to the next
31 work session.

32
33 Urban said that there are some other things that the Planning Commission needs to look at in
34 the near future: formula business, building on slopes, and working on a bucket list.

35
36 The work session was adjourned at 4:10 p.m.

37
38
39
40
41 _____
42 Ron Urban, Vice Chair

43
44 Attest:

45
46
47
48 _____
49 Nancy Batchelder, City Recorder



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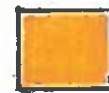
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