

1. Agenda

Documents:

[PC\\_AGENDA\\_-\\_11-15-16.PDF](#)

2. Meeting Materials

Documents:

[FORMULA\\_BUSINESS\\_REG\\_11-8-16.PDF](#)

[LAND\\_USE\\_ACTIVITY\\_11-8-16.PDF](#)

[DARK\\_SKY\\_INFORMATION\\_11-8-16.PDF](#)

[PC\\_WS\\_MINUTES-10-18-16.PDF](#)

[PC\\_MINUTES-9-20-16.PDF](#)

[PC\\_WS\\_MINUTES\\_9-20-16.PDF](#)



CITY OF YACHATS

## PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

### **Tuesday, November 15, 2016, 2:00 pm Work Session**

- A. Dark Sky Regulations
- B. Building on Steep Slopes

### **Tuesday, November 15, 2016 at 3:00pm Regular Meeting**

#### AGENDA

- I. Meeting called to order
- II. Announcements and Correspondence
- II. Minutes
  - A. Regular Meeting and Work Session – Sept. 20, 2016
  - B. Work Session – Oct. 18, 2016
- III. Citizen's Concerns
- IV. Public Hearings
  - A. Case File #2-CU-PC-16 City of Yachats Conditional Use Application – South Water Reservoir (to be continued to December meeting)
  - B. Title 9 Zoning & Land Use Code Amendment – Formula Business Regulations
- V. New Business
- VI. Other Business
  - A. From the Commission
  - B. From Staff

Commission meets the third Tuesday of each month.

Next scheduled meeting: Dec. 6, 2016 at 3pm

This meeting is open to the public and all interested persons are invited to attend. 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. Minutes of all public meetings are available for review at City Hall, or on the City website at [www.yachatsoregon.org](http://www.yachatsoregon.org).

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. The meeting room is physically accessible to persons with mobility devices; 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).

Posted: Nov. 9, 2016



November 8, 2016

**To: Yachats Planning Commission**

**From: Larry Lewis, City Planner**

**Re: November 15, 2016 Planning Commission Public Hearing  
Formula Business Regulations**

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The Planning Commission will hold a public hearing to solicit input and discuss the draft Title 9 Zoning & Land Use Code amendments regarding Formula Business Regulations. The draft amendments are described on the following page.

September 22, 2016

**Proposed Amendment to Yachats Zoning & Land Use Code**  
**FORMULA BUSINESS REGULATIONS**

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At the September 20, 2016 Planning Commission meeting, the Commission passed a motion to draft the proposed Yachats Zoning and Land Use Code amendment regarding Formula Business regulations as described below.

**Chapter 9.04 – General Provisions and Definitions**

**Section 9.04.030 Definitions**

*(new proposed definition)*

“Formula Business” shall mean a business that is required by license or corporate structure to maintain any of the following: standardized services, décor, uniforms, architecture, signs, or other similar features. This shall include but not be limited to restaurants, retail sales and services, wholesale distributors, and industrial operations.

**Chapter 9.28 – C-1 Retail Commercial Zone**

**Section 9.28.020 Conditional uses**

*(new proposed conditional use)*

V. Formula Business for motels/hotels, gas stations, health care providers, groceries, pharmacies, financial institutions, and real estate companies. All other formula businesses are prohibited.

**Chapter 9.72 – Conditional Uses**

**Section 9.72.050 Standards and procedures governing conditional uses**

*(new subsection)*

**F. Standards for Formula Businesses**

1. An approved formula business shall only be for motels/hotels, gas stations, health care providers, groceries, pharmacies, financial institutions, or real estate companies;
2. The proposed Formula Business has been designed to preserve and enhance the City's small town character and to integrate existing community architectural and design features which will preserve such character for the City's residents and visitors. Elements that may be considered include, but are not limited to, color scheme, trademark, service mark, signage and exterior or interior décor;
3. The applicant shall submit a plan indicating the provision for rubbish removal, including the dumpster location with proper screening and buffering so that there are not any substantial impacts to abutting properties;
4. There shall not be any impacts to the roadway or abutting properties from the loading area.

# **City of Yachats** **2016 LAND USE / BUILDING PERMIT ACTIVITY**

**For the Period September 14, 2016 through November 8, 2016**

| <b>Date</b> | <b>Application/<br/>Activity</b> | <b>Owner/Applicant</b> | <b>Tax Map/Lot<br/>Location</b>                    | <b>Zoning</b> | <b>Description</b>                             | <b>Status</b>                          |
|-------------|----------------------------------|------------------------|----------------------------------------------------|---------------|------------------------------------------------|----------------------------------------|
| 10/3/16     | Building Permit                  | Denny & Joni<br>Cavin  | 14-12-26CC/1100<br>228 Jennifer<br>Quiet Water PUD | R-1           | New deck addition to<br>single family dwelling | Approved 10/3/16                       |
| 10/25/16    | Conditional Use<br>Permit        | City of Yachats        | 14-12-34AD/202<br>127 Greenhill Dr                 | R-1           | New water reservoir                            | Pending Planning<br>Commission meeting |
| 10/26/16    | Building Permit                  | Doug Rawson            | 14-12-34AC/2700<br>112 Greenhill Dr                | R-1           | Deck footing repair                            | Approved 11/1/16                       |

Per Planning Commission request, status of parking requirements on #1-CU-PC-14 Hetzler September 16, 2014 Findings: The manufactured home on Tax Lot 3100 shall be removed and an additional 12 parking spaces provided within three years of this conditional use approval. Therefore, the applicant has until September 16, 2017 to provide the additional 12 parking spaces.

November 8, 2016

**To: Yachats Planning Commission**

**From: Larry Lewis, City Planner**

**Re: November 15, 2016 Planning Commission Work Session**

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The Planning Commission will continue discussion on Dark Sky regulations at the November 15, 2016 Work Session. Your packet includes the following material provided by Nan Scott:

- Colorado Towns Work to Preserve a Diminishing Resource: Darkness
- International DARK-SKY Association – Dark Sky Community Guidelines

**The New York Times**<http://nyti.ms/2b401gH>

U.S.

# Colorado Towns Work to Preserve a Diminishing Resource: Darkness

By JACK HEALY AUG. 12, 2016

WESTCLIFFE, Colo. — As people around the world stepped into their backyards or onto rooftops to peer up at the annual spectacle of the Perseid meteor shower early on Friday morning, few of them had a view like Wilson Jarvis and Steve Linderer.

At 2:30 a.m. as the light show was peaking, the two men sat on a grassy bluff here in the Wet Mountain Valley of southern Colorado, swaddled in blankets against the chilly mountain air and looking up at the stars in the torrent of the Milky Way. Every few seconds, a tiny chunk of space ice cast off by Comet Swift-Tuttle would blaze through Earth's atmosphere, silently streaking through the darkness.

"There's one!" the men called out.

"And another!"

"I saw that."

Night skies like this one are disappearing across much of the world, nibbled away by the ever-expanding glow of city lights. American skies are no different. Four out of five Americans live in places where they can no longer see the Milky Way.

But here, the tiny neighboring ranching and railroad towns of Westcliffe (population 568) and Silver Cliff (population 587) have decided to tap into the dwindling natural resource of darkness. The old silver mines that once made Silver

Cliff Colorado's third-largest town are long closed, and many ranchers are retiring. But there is still the night.

So for more than a decade, the two towns and a local dark-sky nonprofit have been dialing down the dimmer switch. They have replaced streetlights and passed rules requiring that outdoor lights point down. The group built a small observatory with star guides who tee up its telescope and take people on a tour of the night. They coax homeowners to hood their porch lamps or dim a bright light outside their house.

"People out of ignorance go with whatever's cheap or whatever's brightest," said Ed Stewart, a board member of the local dark-sky group. "You multiply that by 200, 300, and there goes the sky."

He said advocates met with homeowners' associations and held stargazing parties to sell the virtues of the night. When they gaze over the valley and see winking floodlights on a ranch or home in the hills, they see their next targets of persuasion.

"You can't just go up to someone and say, you've got a bad light, and legislate the problem away," he said. "People resist that, especially in Colorado."

The mayor of Westcliffe, Christy Patterson, said she once got a phone call complaining that her garage light was too bright. "I didn't even have the light on," she said.

In 2012, Mr. Stewart said a new store opened in town that flouted the area's nighttime sensitivities and became a glowing eyesore. He said people in the community wrote letters to the editor, urging the store's manager to change the lighting until, finally, the store relented.

"We feel like they're a part of the community now," Mr. Stewart said.

Last year, the International Dark-Sky Association, a nonprofit working to stop light pollution, rewarded their efforts by designating the two towns among a handful of dark-sky communities. Lovers of the night cheered — they had put their community on the map by blotting themselves out.

A trickle of amateur stargazers have taken notice and have started to visit, telescopes in tow.

When you drive into either town, the streets are not pitch-black. Streetlights and porch lights glow along the main street, where photos of 40-acre ranches are posted on the front windows of real estate offices. But viewed from the mountain pass above the towns, Westcliffe and Silver Cliff look less like an island of light than a constellation in the dark valley.

“There aren’t many towns, even small towns, where you can stand in town limits and see the Milky Way like that,” Mr. Linderer, 69, said from his camping chair. He and his wife, Margaret, who baked chocolate chip cookie squares for Friday’s stargazing, moved here a decade ago.

“I moved here because of this,” said Mr. Jarvis, 71, who retired here from Houston three years ago.

“So did I,” said Mr. Linderer.

To the west, toward the Sangre de Cristo range, a pack of coyotes yipped as another streak flashed across the sky.

*Follow Jack Healy on Twitter: @jackhealyNYT.*

*For breaking news and in-depth reporting, follow @NYTNational on Twitter.*

A version of this article appears in print on August 13, 2016, on page A9 of the New York edition with the headline: Colorado Towns Work to Preserve a Diminishing Resource: Darkness.

**INTERNATIONAL DARK-SKY ASSOCIATION**

3223 N first Ave - Tucson Arizona 85719 - 520-293-3198 - [www.darksky.org](http://www.darksky.org)

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*TO PRESERVE AND PROTECT THE NIGHTTIME ENVIRONMENT AND OUR HERITAGE OF DARK  
SKIES THROUGH ENVIRONMENTALLY RESPONSIBLE OUTDOOR LIGHTING*

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**International Dark-Sky Association  
Dark Sky Community Guidelines**

October 2015

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## DEFINITION OF AN IDA DARK SKY COMMUNITY

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An IDA Dark Sky Community (DSC) is a town, city, or municipality that has shown exceptional dedication to the preservation of the night sky through the implementation and enforcement of quality lighting codes, dark sky education, and citizen support of dark skies.

## GOALS FOR IDA DARK SKY COMMUNITY CREATION

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- To identify communities with exceptional commitment to and success in pursuing dark sky preservation and restoration, and their promotion of quality outdoor lighting
- To promote ecotourism
- To promote protection of human health, nocturnal habitats, public enjoyment of the night sky and its heritage, and/or areas ideal for professional and amateur astronomy;
- To provide local, national, and international recognition for such communities
- To promote the ideals of International Dark-Sky Association (IDA) by encouraging communities to identify dark skies as a valuable community asset and goal

## BENEFITS

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Achieving this designation brings recognition of the efforts made by the Community council, the local government authorities (police department, planning and zoning, etc.), the citizens, and any other public and private organization to protect the night sky and the environment dependent on it. This designation will enhance awareness of dark sky matters to all residents and visitors of the Community.

Designation as an DSC entitles the Community to display the IDA Dark Sky Community logo in official publications, promotions, signs at the entrance or within the Community, and retain the use of this logo by other groups within the Community when identifying the area itself (i.e. a Community can say “Flagstaff, the world’s first IDA Dark Sky Community” or in other words to the same effect, for example, an organization within the Community can say “located in Star City, an IDA Dark Sky Community”). IDA will maintain a web page identifying and describing all DSCs available on [www.darksky.org](http://www.darksky.org).

## ELIGIBILITY

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Community must have some type of legal organization that is officially recognized by outside groups. This can be in the form of a town, city, municipality, or other legally organized community (such as a urban neighborhoods and subdivisions).

## MINIMUM REQUIREMENTS FOR ALL COMMUNITIES

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- A) A quality comprehensive lighting code like the IDA/IES Model Lighting Ordinance (MLO) with the following minimum standards for permanent lighting installations (more on developing a lighting code and guidelines may be found on our website <http://www.darksky.org/outdoorlighting/mlo>):
  - i) Fully-shielded or full-cutoff standard for all lighting fixtures over 1500 lumens initial lamp output (or equivalent wattages), AND;
  - ii) Establishes a threshold of 3000 Kelvins for the allowable correlated color temperature of all lighting fixtures, AND;
  - iii) Restrictions on total amount of unshielded lighting, such as a limit on lumens per acre or total site lumens in unshielded fixtures (or equivalent wattages), AND;
  - iv) A policy to address over-lighting, such as energy density caps, lumens/acre caps, or maximum illuminance specifications, AND;
  - v) A provision that clearly: (1) indicates where, when, and under what circumstances new public outdoor lighting (street lighting and lighting on other public property and rights-of-way) is warranted and will be permitted, and (2) requires that adaptive controls and curfews be employed in all future installations of public outdoor lighting.
- B) Community commitment to dark skies and quality lighting as shown by:
  - i) City owned lighting conforming with, or committed to conforming with, the lighting code (if the latter, a published plan with a timeline for completion in no more than 5 years), AND;
  - ii) Municipal support of dark skies and good lighting as indicated through city publications, flyers, public service announcements, funding of lighting upgrades, etc.
- C) Broad Support for dark skies from a wide range of community organizations such as:
  - i) Chamber of Commerce
  - ii) Local electrical utility
  - iii) Local IDA Chapter
  - iv) Lighting retailers
  - v) Home Owners Association
  - vi) Business Improvement Associations
  - vii) Others
- D) Community commitment to dark skies and education as shown by at least one of the following:

- i) Planning and execution of at least two community dark sky awareness events per year. This may be organized through a local astronomy club, municipality, school, etc. AND/OR;
  - ii) Inclusion of dark sky awareness documents (IDA brochures or Community-created brochures) with other Community informational documents for residents and visitors, AND/OR;
  - iii) Inclusion of dark sky education in Community schools and curriculum.
- E) Success in light pollution control. At least one of the following conditions must be demonstrated:
- i) Examples of a minimum of ten projects built under the lighting code, demonstrating effective application of the local lighting code, AND/OR;
  - ii) Alternative demonstration of success in light pollution control, to be discussed with IDA for compliance.
- F) A sky brightness measurement program must be maintained either by the Community or by another public or private organization (university, research center, IDA chapter, astronomy club, etc.) to follow the evolution of light pollution in the DSC.
- G) Designation is permanent, but is subject to regular review by IDA and possible revocation if minimum requirements are not maintained. More details may be found in the "Reassessment of DSC designation" section.
- H) Periodic checks, through the submission of the annual report due October 1<sup>st</sup>, will be performed to ensure that minimum standards and objectives of the program are being upheld and adequate progress is being made. This report is a short 1 to 2-page synopsis of the Community's activities and initiatives throughout the last year. The Borrego Springs, CA report is included on the website for reference <http://darksky.org/idsp/communities/>.

## PROVISIONAL STATUS

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- In some cases, a Community interested in the program may lack all of the resources required to achieve a designation outright. If resource unavailability otherwise hinders the progress of a Community's application, that Community may apply for and be granted Provisional status at the discretion of the IDA Board of Directors. Provisional status recognizes the Community's ongoing work to become an IDA Dark Sky Community and is intended as a leverage point to successfully enable actions such as lighting upgrades/retrofits and policy changes.
- Provisional status expires after three (3) years. At any time before the end of this period, a Community may reapply for full status. Material submitted for the removal of provisional status may be an addendum to the initial application as long as the material includes a current assessment of the goals, outreach efforts, and lighting policy listed in the original application and clearly demonstrates that any program requirements left unmet at receipt of the Provisional status have been satisfied.
- To be considered for a provisional status, send a nomination package that includes the following information:

- Documented intent to create and support an IDA Dark Sky Community;
- A description of the circumstances that currently prevent the Community from meeting the minimum Dark Sky Community requirements; and
- An action plan describing steps the aspiring Community will take to meet all program requirements in the specified Provisional status period

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## **GUIDELINES ON THE DSC PROCESS**

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### **NOMINATION**

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The nomination may be initiated by an IDA qualified nominator who has personally reviewed a Community's outdoor lighting and commitment to night sky preservation. To become an IDA qualified nominator, you must be an IDA member and be approved by the IDA Dark Sky Places manager. The nomination may be a joint effort between Community and the qualified nominator. Nominators are encouraged to correspond with IDA staff and the Community throughout this process—from first consideration of a DSC through the final submission package.

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### **DSC APPLICATION PROCESS**

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#### **STEPS FOR APPLICANT**

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- A) Initial contact with IDA by phone or email to discuss the process and receive recommendations followed by continued contact to update IDA staff on progress and receive continued recommendations;
- B) A formal point of contact (POC) person is designated and their phone, address and email information is forwarded to IDA staff. Before and after designation, any changes to this POC, or their information, must be communicated to IDA in order to ensure accurate communication at all times;
- C) Official supporting letter for the nomination from elected representatives of the Community, such as the mayor and/or council of a municipality. Any additional letters of support from organizations, clubs, groups, universities, etc.;
- D) Upon completion, the Community sends the application to IDA staff for review of the document. IDA staff confirms that the application is complete and ready for submission;
- E) Completed application packet in PDF and/or MS Word .doc format sent electronically to International Dark Sky Places committee (DSPC) by IDA staff for review.
- F) Submit in plenty of time for IDA staff to review and prepare your application to make the bi-monthly deadline that you prefer, find the deadlines at <http://darksky.org/idsp/communities/>. Requests to

rush applications will NOT be accepted; meaning that planning ahead is essential if the Community is planning to meet a deadline.

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### TO BE INCLUDED IN DSC SUBMISSION

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- A) Map of Community and factual information, i.e. population, number of schools, etc.
- B) Letter of nomination support by IDA qualified nominator and elected representatives of the Community such as the mayor and/or council.
- C) The Community's lighting code and guidelines must meet the minimum requirements as stated in the minimum requirements section.
- D) Documentation of examples of Community support and projects.
- E) Proposed alternative wording for a DSC (e.g. Dark Sky Village, Starry Sky City, etc.), if desired.
- F) An outline of a completed application is available and may be used upon request.

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### IDA REVIEW PROCESS

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- A) Applications are sent to the committee on a bi-monthly basis.
- B) Before the Community's final application is submitted it is highly recommended that the Community be in regular conversation with IDA staff to perfect the application before the next application deadline. Applications not ready for submission by the deadline for committee consideration will be considered at the next committee meeting.
- C) IDA staff forwards application to Dark Sky Places Committee for review at the deadline.
- D) Approval of application by DSPC is by a 2/3-majority vote, or denial with reasons and recommendations. The DSPC committee may consider the applications for up to two months before a decision is released to the applicant. If approved the location will be notified and the program manager will organize a press release with the location during a 10-day waiting period during which the Board of Directors will have the formal right to veto should they perceive a problem with the application. The Community has the right to choose when the press release is made public but must organize the announcement to be made at the same time as the IDA press release unless otherwise discussed and agreed upon by both parties.
- E) If approved the Community is awarded the DSC designation and listed along with their application on the IDA website. By submitting the application, the Community agrees to have the application posted to the website unless otherwise stated;
- F) If denied, a letter is sent to applicant outlining elements of the application that need improvement and specific recommendations for ways to remedy them. Applications can be resubmitted for future consideration after remediation is complete.
- G) IDA realizes that certain circumstances surrounding a DSC application may cause some potential authors of letters of support (or opposition) to feel uneasy about publicly declaring their opinions about the IDA designation. In the interest of providing the Dark Sky Places Committee with as full a picture of Community sentiment about applications as possible, it is possible for some letters to be

suppressed from online publication if it is felt that making the letters publicly available will subject their authors to retaliation or harassment. A prospective DSC seeking this protection for letter writers must make a formal written request to that effect. The Program Manager must approve suppression of publication of any part of an application. Note that suppression of online publication does not prevent either the Committee or the IDA Board of Directors from reading all submitted letters.

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## REASSESSMENT OF DSC DESIGNATIONS

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To ensure that Communities continue to be exemplary in their protection and restoration of natural lightscapes, IDA will periodically reevaluate each site in the Dark Sky Places Program. This is done to confirm that the Community continues to meet the minimum requirements and is making adequate progress toward LMP compliance goals outlined in this document.

To this end, the Community will submit an annual report to IDA by October 1st detailing activities and progress towards meeting DSC requirements during the previous twelve months. The report should include dates and brief descriptions of any interpretive events, lighting retrofit projects, outreach efforts, etc. Samples of printed materials and press articles should also be included. The annual report should not require a lot of time to produce, as it should be a compilation of information generated during the year. Electronic submission of the report and supporting documentation is required in PDF or Microsoft Word format. If the annual report is not sent in a timely fashion, IDA may suspend the site's DSC status until the annual reporting requirement has been met (see the following section).

### Investigation and Due Process

A DSC designation is intended to represent the beginning of an ongoing relationship between the Community and IDA to our mutual benefit. IDA will periodically review the nature of that relationship in the required annual reports as described in the previous section. From time to time, IDA also receives comments from visitors to Communities that raise concerns about the veracity and timeliness of information provided to IDA by site administrators. IDA may, at its discretion, investigate claims in which it is alleged that DSCs are not living up to commitments made to IDA and the public in their applications to the Program. This section details the IDA procedure for carrying out such investigations, and the rights of DSCs in such matters.

An allegation of impropriety concerning any of the elements of participation in the Program outlined in this document is subject to IDA investigation and potential remedial action including temporary suspension and/or permanent revocation of the DSC designation. IDA staff shall perform due diligence in gathering facts concerning such allegations it deems credible, and will prepare a report of its findings for consideration by the DSPC. The DSPC commits to weighing the evidence fairly and impartially, and to seek to resolve disputes whenever possible through dialog. A Community subject to an investigation shall be notified in a timely manner and solicited for evidence contrary to the specifics of the allegation at hand. The resolution manner of dialog shall be emphasized from the beginning, and the Community will be given an opportunity to correct any deficiencies with regard to the Program guidelines established by the IDA investigation within a reasonable time period to be prescribed by the DSPC.

Failure to achieve consensus through these means risks a DSPC recommendation for suspension or

revocation of the DSC designation. If made, such a recommendation will be forwarded to the IDA Board of Directors for formal ratification before coming into force. The Board's decision on any disciplinary matters involving a DSC shall be considered definitive and binding.

Any DSC so investigated has the right to review the allegations against it and all factual information collected by IDA pertinent to the allegations.

### **Reinstatement Following Suspension**

If the DSPC recommends a suspension of a Community's IDA designation and the Board ratifies the suspension, the Community administration shall be immediately notified. The status of a suspended DSC shall be changed to "Provisional" in all IDA communications until the designation is reinstated or revoked; however, the process of obtaining reinstatement of a designation is not the same as that outlined in the "Provisional Status" section of these guidelines.

To obtain reinstatement of a suspended designation, the DSC must provide evidence to the DSPC's satisfaction that the specific issues identified by the DSPC as grounds for the suspension have been corrected and that all Program guidelines are once again met. The DSPC will consider the evidence presented by the DSC and render a judgment to either

- Accept the reinstatement petition, OR
- Reject the petition and recommend revocation, OR
- Return the petition with further instructions and a defined deadline for a DSC response.

A suspension left unresolved after one (1) year from the date of the Board's assent to the suspension automatically becomes a permanent revocation. Revocation entails removal of the DSC from IDA's roll of approved Dark Sky Places, and from mention on the IDA website and in member and external communications. IDA reserves the right to take legal action against any former DSC whose designation is duly revoked but continues to use the IDA name/logo in advertising, communications, and/or signage.

CITY OF YACHATS  
PLANNING COMMISSION  
Work Session  
October 18, 2016  
Minutes

Vice Chair Ron Urban called the October 18, 2016 work session to order at 2:00 p.m. in the Civic Meeting room of the Yachats Commons. Members present: Urban, Christine Orchard, Shelly Shrock, Helen Anderson, John Deriberprey, Ken Aebi, Nan Scott

**I. Dark Sky Regulations**

The Commission reviewed and discussed potential Dark Sky regulations. The Planning Commission packet included a Model Lighting Ordinance provided by Scott; the Sisters, OR Lighting Ordinance; the Wilsonville, OR Outdoor Lighting Ordinance; and the Dundee, OR Lighting Standards & Dark Sky/Outdoor Lighting Requirements.

The Commission noted that the City Council discussed Dark Sky regulations, and the desire for the Planning Commission to consider drafting regulations. The Commission reached consensus that Dark Sky/Lighting regulations are needed. The Commission noted there is a large amount of information related to Dark Sky regulations that needs to be reviewed and discussed. The Commission agreed to conduct further research and continue discussion at the November Planning Commission work session. The Planning Commission noted that the discussion and drafting Dark Sky regulations will take multiple work sessions.

**II. Other Business**

The Planning Commission determined that in addition to the Dark Sky Regulations they would address other potential code amendment items. The Commission decided to discuss Building on Steep Slopes at the November 15, 2016 work session.

The work session was adjourned at 3:15 p.m.

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Ron Urban, Vice Chair

Attest:

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Kimmie Jackson, Clerk II

**CITY OF YACHATS**  
**PLANNING COMMISSION**  
September 20, 2016

Minutes

The September 20, 2016 meeting of the Yachats Planning Commission was called to order by Chair Nan Scott at 3:06 p.m. in the Civic Meeting room of the Yachats Commons. Members present: Scott, Ron Urban, Ken Aebi, Shelly Shrock, Christine Orchard, Helen Anderson, and John Deriberprey. Also present, City Planner Larry Lewis. Audience – 7.

**I. Announcements and Correspondence**

**II. Minutes**

- **Regular Meeting and Work Session – June 21, 2016**
- **Work Session – July 19, 2016**
- **Work Session – August 16, 2016**

Motion to adopt the minutes, Aye – 7, No – 0, Abstain – 0, Absent – 0

**III. Citizen's Concerns – None.**

**IV. Public Hearings**

**A. Case File #1-PD-PC-07 (Modification #3) Fisterra 1A Devco, Inc/Elk Mountain Properties LLC**

Scott opened the Public Hearing for the Planned Development Application.

Scott explained that the purpose of the hearing is to consider the application made by Fisterra 1A Devco, Inc/Elk Mountain Properties LLC to modify the Fisterra Planned Unit Development . Scott asked if anyone wished to object to the jurisdiction of the Commission to hear this matter. There were none.

Scott asked if any Commissioner wished to make any disclosure, or abstain from participating or voting on this application because: of possible financial gain resulting from this application, because you own property within the area entitled to receive notice of this hearing; because you have a direct private interest in the proposal; or because you have determined that you cannot be impartial?

Deriberprey stated he lives in close proximity to the Fisterra PUD, he received a notice of the Planning Commission hearing, and stated he can be impartial in reviewing this application.

Scott asked if any Commissioner needs to declare any contact, written, oral or otherwise, prior this hearing, with the applicant, appellant, any other party involved in this, 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. There were none.

1  
2 Scott said that the public hearing process would be as follows:

- 3 a. Staff will identify the relevant criteria and summarize the staff report.
- 4 b. The applicant will have the opportunity to present the request and address
- 5 questions.
- 6 c. Proponent, then opponents, then people who are neutral will have opportunity to
- 7 speak.
- 8 d. The applicant will then have the opportunity to rebut any opponent testimony.

9  
10 The City Planner summarized the staff report and stated that the requested Fistera  
11 PUD modification is to increase the number of dwellings fronting Diversity Drive from 16  
12 to 21 dwellings while decreasing the number of dwellings on the remaining Fistera PUD  
13 by 5 dwellings.

14  
15 Scott opened the public testimony portion of the hearing. Scott asked everyone  
16 addressing the Planning Commission to come forward and complete the sign-in sheet.

17  
18 Scott asked the applicant to provide any additional information.

19  
20 Applicant Layne Morrill, Fistera 1A Devco, Inc/Elk Mountain Properties LLC, provided a  
21 detailed description of the proposed Fistera PUD modification and answered questions  
22 from the Planning Commission.

23  
24 Oral testimony was provided by June O'Connor, William Schroeder, Susan Schroeder,  
25 and Joni Bicksler. In summary, comments and questions addressed the size of the  
26 dwellings, financial responsibility of the project, city water shortage issues, rental  
27 requirements pertaining to the 60% of median income, hillside stabilization, density,  
28 vacation rentals, tenant preferences, the management company, storm water, Hwy 101  
29 improvements, and accessory dwelling units. The applicant provided responses to  
30 questions and concerns.

31  
32 The Planning Commission asked additional questions of the applicant. The applicant  
33 responded to the questions.

34  
35 Scott asked the Planning Commission if they believe they have all the necessary evidence they  
36 will need to make a decision.

37  
38 Commissioner Aebi stated that a lot of information was provided and suggested continuing the  
39 hearing in order to further review the information. The majority of the Commission believed they  
40 did have all the necessary evidence they needed to make a decision.

41  
42 Scott asked if there were any requests to leave the record open for additional information.

43  
44 There were none.

45  
46 Scott closed the public testimony portion of the public hearing and opened the deliberations. A  
47 motion was made at the close of deliberations.

1 Motion to approve the Modified Fisterra Planned Unit Development with the conditions Lewis  
2 proposed in his staff report. Findings and Order to be prepared for the Chair to sign, Aye – 6,  
3 No – 1 (Aebi).

4  
5 **V. Planner's Report – Larry Lewis – Attached.**

6  
7 **VI. New Business – None.**

8  
9 **VII. Other Business**

10  
11 **A. From the Commission**

12  
13 There was a discussion regarding enforcement of geotechnical report recommendations,  
14 and the County process for monitoring the recommendations.

15  
16 **B. From Staff - None.**

17  
18 The meeting was adjourned at 5:00 p.m.

19  
20  
21 \_\_\_\_\_  
22 Nan Scott, Chair

23  
24 \_\_\_\_\_  
25 Kimmie Jackson, Clerk II

CITY OF YACHATS  
PLANNING COMMISSION  
Work Session  
September 20, 2016  
Minutes

Vice Chair Ron Urban called the September 20, 2016 work session to order at 2:00 p.m. in the Civic Meeting room of the Yachats Commons. Members present: Urban, Christine Orchard, Shelly Shrock, Helen Anderson, John Deriberprey, Ken Aebi, Nan Scott

**I. Formula Business Regulations – Continued discussion**

The Commission reviewed and discussed the draft Formula Business regulations provided in the September 6, 2015 memorandum from City Planner Lewis. Following lengthy discussion, the Commission reached consensus on draft amendment language:

Yachats Municipal Code (YMC) Section 9.04.030 Definitions: A new definition of Formula Business as agreed by the Planning Commission at the August work session and stated in the September 6, 2016 memorandum.

YMC Section 9.28.020 C-1 Retail Commercial Zone Conditional Uses: A new conditional use – Formula Business as agreed by the Planning Commission at the August work session and stated in the September 6, 2016 memorandum.

YMC Section 9.72.050 Standards and procedures governing conditional uses: The Commission reviewed eleven possible standards for Formula Businesses and reached consensus to include the following four standards:

1. An approved formula business shall only be for motels/hotels, gas stations, health care providers, groceries, pharmacies, financial institutions, or real estate companies;
2. The proposed Formula Business has been designed to preserve and enhance the City's small town character and to integrate existing community architectural and design features which will preserve such character for the City's residents and visitors. Elements that may be considered include, but are not limited to, color scheme, trademark, service mark, signage, and exterior or interior décor;
3. The applicant shall submit a plan indicating the provision for rubbish removal, including the dumpster location with proper screening and buffering so that there are not any substantial impacts to abutting properties;
4. There shall not be any impacts to the roadway or abutting properties from the loading area.

1 The Commission recommended that the 35-DLCD Notice and Draft Amendment be  
2 submitted to DLCD so that that Planning Commission public hearing could be held at  
3 the November 15, 2016 Planning Commission meeting.  
4

5 **II. Other Business**  
6

7 Nan Scott stated that her Planning Commission term expires at the end of December  
8 and she will not renew her commission appointment.  
9

10 The work session was adjourned at 3:00 p.m.  
11  
12  
13  
14

15 \_\_\_\_\_  
16 Ron Urban, Vice Chair  
17

18 Attest:  
19  
20  
21  
22

23 \_\_\_\_\_  
Kimmie Jackson, Clerk II