

1. Agenda

Documents:

[08-15-17_PC_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[LAND-BLDG_ACTIVITY_080817.PDF](#)

[COMP_PLAN-_GOAL_D_AND_E_081517.PDF](#)

[07-18-17_PLANNING_COMMISSION_WORK_SESSION.PDF](#)

[07-18-17_PLANNING_MINUTES.PDF](#)

3. Work Session Minutes

Documents:

[2017-08-15 PLANNING WS MINUTES.PDF](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

Tuesday, August 15, 2017: 2 pm Work Session; 3 pm Regular Meeting

WORK SESSION AGENDA

- A. Yachats Comprehensive Plan – Goal D. Conservation of Energy
- B. Yachats Comprehensive Plan – Goal E. Protection from Natural Hazards and Disasters

REGULAR MEETING AGENDA

- I. Announcements and Correspondence
- II. Minutes
 - A. Regular Meeting and Work Session – July 18, 2017
- III. Citizen's Concerns
 - A. Linda Hetzler – Update on Case File #1-CU-PC-14 Parking Condition
- IV. Public Hearing
- V. Planner's Report
- VI. Other Business
 - A. From the Commission
 - B. From Staff

Commission meets the third Tuesday of each month.

Next scheduled meeting: September 19, 2017 at 2:00pm and 3:00pm.

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.

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: August 9, 2017



City of Yachats
2017 LAND USE / BUILDING PERMIT ACTIVITY

For the Period June 14, 2017 through August 8, 2017

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
6/22/17	Building Permit	Linn West	14-12-26BB/900 King Street	R-1	New single family dwelling	Approved 6/27/17
7/18/17	On-site Waste Management Permit	Yachats Rural Fire Protection District	14-12-23CB/2300	R3	Site evaluation for new septic system	Approved 7/18/17 (building to be located on portion of lot that is outside of city limits)
8/4/17	Building Permit	Jack Dane	14-12-26CB/500 230 King St	R-1	Foundation underpinning to existing single family dwelling	Approved 8/8/17

Goal D. *Conservation of Energy*

The City supports the energy conservation efforts of its residents and business owners and encourages the use of energy-efficient procedures and the use of alternative, renewable energy sources.

Policies

1. The City shall encourage future developments to use energy efficient design, siting and construction, e.g., "green" building practices.
2. The City shall encourage non-polluting alternative energy sources such as solar, wind and wave power.
3. The City shall make available educational materials regarding energy conservation, e.g., tools and techniques Yachats area residents and business owners could use to promote energy conservation.
4. The City shall seek and support programs that provide or subsidize alternate energy or energy efficient technology. These technologies may include insulation and weatherization of habitable building, installation or energy efficient water heating systems, or energy efficient heating systems.
5. The City shall encourage the use of modes of travel that contribute to clean air and energy efficiency.

Proposed Actions

- a) The City shall develop and/or provide educational materials about green building practices for the public.
- b) The City shall demonstrate and use energy conservation principles and practices.
- c) The City shall investigate opportunities and assist development of alternate energy sources, such as wind and water, subject to reasonable safety, noise, and visual controls.
- d) The City shall develop guidelines and/or ordinances for 'green' remodeling and initial construction for both residences and business owners.

Goal E. *Protection from Natural Hazards and Disasters*

Through regulation of the location and type of development, the City shall work to protect life and property from natural disasters and hazards, such as landslides, fires, tsunamis and flooding. The City recognizes that with the reduction of wildland fuels, we move closer to achieving the goal of all structures surviving an on-coming fire. The City regulates activities in known areas of natural hazards and limits development that may affect the integrity of steep slopes or impact fire hazards.

Policies

1. Information and recommendations contained in current Environmental Hazard Inventory Coastal Lincoln County, Oregon by RNKR Associates shall serve as the basis for future land use determinations in hazard areas. The RNKR Associates Study is incorporated into the Yachats Comprehensive Plan.
2. Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural hazards without appropriate effective mitigation strategies. Such strategies shall be attested to by a State of Oregon certified engineering geologist.
3. New construction or substantial improvements in identified flood hazard areas shall have the lowest floor level elevated to or above the 100-year flood level.
4. Low density and open space uses that are least subject to loss of life or property damage shall be preferred uses in flood-prone and steep-sloped areas.
5. The density of development shall be no greater than the slope can safely accommodate.
6. Developers of property where a geotechnical report is required shall be required to post a 100% performance bond guaranteeing that specified conditions will be met and appropriate safeguards provided.
7. Developments adjacent to the Yachats River shall be planned to minimize any aggravation of the turbidity and seasonal low-flow situation.
8. The City shall address concerns regarding forest activities that might adversely affect the City to the Oregon Department of Forestry.
9. The City shall participate in Community Emergency Response Team (CERT) Programs and will help or take the lead to inform its residents and business owners about preparedness measures.
10. The City shall develop a citywide storm water management infrastructure.
11. The City is committed to supporting the fire district in its fire protection efforts, both short and long-term.
12. The City shall support the Lincoln County Community Wildfire Protection Plan (CWPP) when it is completed and approved.
13. The City shall access and utilize federal and other grant dollars to implement measures to protect against natural hazards and disaster.
14. The City shall set realistic expectations to reduce wildland fire risk, prepare for, respond to, and suppress wildland and structural fires.

Proposed Actions

- a) The City shall amend the City codes as necessary to reflect best practices related to natural hazard and disaster prevention and mitigation.

- b) The City shall prepare and distribute tsunami preparedness information to all residents, property owners and business owners in the City. The City shall make the information available at tourist accommodations and points of interest.
- c) The City shall participate in emergency preparedness training drills on a regular basis with other agencies and jurisdictions.
- d) Applications for subdivisions and Planned Unit Developments shall include plans for storm water management and a performance agreement, bond, contract or other assurance for completion of the plan.
- e) Requests for building permits shall include plans for storm water management.
- f) The City shall, in conjunction with the County, develop a Yachats Community Wildfire Protection Plan (CWPP) in accordance with the Healthy Forests Restoration Act of 2003 and the FEMA Disaster Mitigation Act of 2000. The CWPP will be developed through community effort, based on the twin goals of reduction of wildland fire risk to residents and the environment within the Yachats Urban Growth Boundary (UGB) and a safe work environment for fire suppression forces.
- g) The City shall seek formal government approval of the Yachats CWPP.

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**CITY OF YACHATS
PLANNING COMMISSION**

July 18, 2017

Work Session Minutes

Vice-Chair Ron Urban called the July 18, 2017 work session of the Yachats Planning Commission to order at 2:00 pm in Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Christine Orchard, JD Deriberprey, Ginny Hafner, James Kerti. Absent: Shelly Shrock. Audience: 4.

I. Discussion Topics

A. Comprehensive Plan Goal C – Protection of Shoreland Resources

Follow up from last session on 25 foot setback: Commissioners readdressed the meaning of Section D1 stating, "Setbacks shall be a minimum of 25 feet from the top of the bank or greater if recommended by an Oregon certified geologist." Commissioner Orchard suggested a change to, "Setbacks shall be a minimum of 25 feet from the top of the bank. A greater setback shall be required if recommended by an Oregon certified geologist."

Native Vegetation: Planner Lewis noted the language for the shoreland section does not include protection of native vegetation. Lewis reported Depoe Bay states there can be no removal of vegetation as well as no change in the grade. These specifics would be stated in the Municipal Code, not the Comp Plan. Anderson asked Lewis to draft language to be added to the Code, which will be discussed at the next meeting.

Goal C, [Draft Revised] Policy 3: Commissioners agreed the draft language is appropriate.

Goal C, [Draft Revised] Policy 4: Commissioners agreed the draft language is appropriate.

Goal C, Policy 5: Commissioners discussed whether Policy 5 could be deleted. Orchard noted riprap, bulkhead, and seawalls are not covered in Policy 4. Urban simplified language of, "The City shall provide code to protect, maintain, and stabilize the shoreline. Stabilization and erosion control methods shall be included in the code."

After lengthy discussion, Commissioners concluded Policy 4 refers to the area from the top of the bluff or bank inland, while Policy 5 refers to the area from the top of the bluff or bank toward the ocean, and both are necessary. Orchard suggested being clearer in the distinction of Policies 4 and 5.

Commissioners looked at sections of the Code that address buffers and stabilization. Chapter 9.52.070 addresses shoreland setbacks.

Commissioners requested to get several hard copies of the Comprehensive Plan and the Municipal Code – Chapter 9 and to keep those copies by Lewis' desk for reference during meetings. Commissioners were not able to access online documents in a timely manner.

Goal C, Policy 6: Commissioners agreed the draft language is appropriate.

Goal C, Policy 7: Commissioners agreed to delete this policy.

Goal C, Policy 8: Commissioners agreed the draft language is appropriate.

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Goal C, Policy 9: Commissioners agreed to delete this policy as it is covered at the State level.

Goal C, Policy 10: Commissioners agreed the draft language is appropriate.

Lewis suggested reviewing at the “cleaned” versions of Goals A, B, and C at the next work session.

B. Preparation for Variance Hearing

Anderson asked Lewis if the Commission needed to look at all five criteria for a variance once one criterion had been rejected. It was agreed the commission should review all criteria as a matter of due diligence.

Urban adjourned the work session at 2:55 pm.

_____	_____
Ron Urban, Vice-Chair	Date

Minutes prepared by H H Anderson on July 27, 2017

YACHATS PLANNING COMMISSION

July 18, 2017

Regular Meeting Minutes

Chair Helen Anderson called the July 18, 2017 regular meeting of the Yachats Planning Commission to order at 3:00 pm in Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, James Kerti, Christine Orchard, JD Deriberprey, Ginny Hafner. Absent: Shelly Shrock. Audience: 5.

I. Announcements and Correspondence - none

II. Minutes

A. Regular Meeting and Work Session of June 20, 2017

Commissioner Urban moved to approve the June 20, 2017 work session minutes and regular meeting minutes of the Planning Commission: Aye - 6; No - 0.

III. Citizen's Concerns - none

IV. Public Meeting

A. Case File #1-VAR-PC-17 McCall Variance Application

Anderson read the introductory regulations and questions for a variance hearing. No Commissioners had reason to recuse or information to disclose.

Planner Lewis summarized the variance application. David Chamberlain, architect for the applicant had no additional comments but remained available for questions. Deriberprey asked Chamberlain if the proposed deck size was necessary. Chamberlain indicated the proposed sizes were a "quality of life" issue.

Urban asked Chamberlain about his calculations on lot coverage. Urban reported his calculations resulted in a proposed 41.18% coverage, instead of 37.1% as Chamberlain presented. Kerti and Anderson verified Urban's calculation. Commissioners agreed to proceed with 40.5% current lot coverage and a 41.2% proposed lot coverage (based on lot size of 4346 square feet).

There was no public testimony on the matter. Anderson closed the public input section of the hearing.

Commissioners reviewed the five criteria for granting a variance.

A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control. Urban and Hafner stated they believed there was extraordinary circumstance. Commissioners agreed Criterion A was met.

B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess. Councilors agreed this criterion was met as all other properties on the street appear to have lot coverage much greater than 30% and the requested variance of 41.2% was in line with other properties.

C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any

city plan or policy. Orchard noted the proposal would improve onsite parking. Anderson did not believe that allowing an even greater lot coverage was an appropriate way to address the high lot coverages in this area. Orchard, Kerti, and Urban noted the point but believed this area was unusually over lot coverage limits, arguing that even though the proposal is for increasing the lot coverage, the property would remain on the low side of other properties in the area. Commissioners agreed this criterion was met.

D. The variance requested is the minimum variance which would alleviate the hardship. Anderson and Deriberprey did not believe the applicant should get additional lot coverage (as a percentage), but should remain at their current lot coverage percentage. Deriberprey argued that the applicant could reduce the deck size by a small amount and retain the current lot coverage. Anderson noted keeping the current lot coverage amount would mean reducing the deck size by 34 square feet. Anderson did not believe the Commission should set a precedent to allow this incase of a 34 square foot increase. Hafner, Kerti and Orchard believed the variance is warranted given the neighborhood. Commissioners were not unanimous in believing this criterion was met.

E. The hardship asserted for the variance does not arise from a violation of the zoning ordinance. Commissioners agreed Criterion E was met.

Hafner moved to approve the variance request with the stipulation that: (1) development be in accord with R-1 standards except for an approved lot coverage of 41.2% (not 37.1% as indicated in the proposal) and (2) two on-site parking spaces shall be provided: Aye – 4; No – 2 (Anderson, Deriberprey).

B. Title 9 Zoning & Land Use Code Amendment – Section 9.52.170 General Exceptions to Building Height Limitations

Anderson re-opened the administrative hearing on Section 9.52.170 and asked Lewis to summarize his findings on elevator shaft requirements. Lewis reported typical commercial elevator cab is 22 sf and residential cab is 12-15 sf, and this amendment limits shaft sizes to 9 sf.

Orchard noted the commission had discussed giving an exception to elevator shafts for the minimum amounts required by code. Deriberprey added that the Commission's intent is not to limit the building of elevators. Commissioners agreed to stipulated that elevator shafts be given an exemption to the minimum amount required by applicable building code.

Urban raised a question regarding the roof height exemption that limits the height above the roofline, not above the 30 ft building height restriction. Lewis noted a house with a 15 ft roofline would only be allowed a chimney to go to 22.5 ft, an amount below the 30 ft limit. Commissioners discussed the distinction between a protrusion measured by the roofline or the building height limit. Deriberprey argued to keep the baseline to be the roofline because of safety issues.

Anderson closed the hearing on Title 9 Zoning & Land Use Code Amendment – Section 9.52.170 General Exceptions to Building Height Limitations.

Commissioners wanted updates on previous code change recommendations (e.g., formula business regulations).

Hafner moved to approve the changes to Title 9 Zoning & Land Use Code Amendment – Section 9.52.170 General Exceptions to Building Height Limitations: Aye – 6; No – 0.

VI. Planner's Report

Lewis summarized his report.

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2 Lewis noted he had copies made of land use planning guides that would be available on the table
3 in his office.
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5 **VII. Other Business**

6 **A. From the Commission**

7 Orchard asked about the status of the change of entrance on the property on Lemwick Lane that
8 was recently before the commission. Lewis indicated the real estate agent of the property was
9 aware and seeing that the change is implemented.
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11 Hafner expressed frustration with the online website and document system. Orchard suggested
12 writing a letter to the City or the Mayor. Lewis indicated he would bring the issue to Manager
13 Davies' attention. Commissioners agreed complaints should be made in writing.
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15 **B. From Staff - none**

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17 With no further business before the Commission, Anderson adjourned the meeting at 4:04 pm.
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23 Helen Anderson, Chair

Date

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25 Minutes prepared by H H Anderson on August 13, 2017.

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**CITY OF YACHATS
PLANNING COMMISSION**

August 15, 2017

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Work Session Minutes

Chair Helen Anderson called the August 15, 2017 work session of the Yachats Planning Commission to order at 2:00 pm in Room 1 of the Yachats Commons. Members present: Helen Anderson, JD Deriberprey, Ginny Hafner, James Kerti, Shelly Shrock. Absent: Christine Orchard, Ron Urban. Staff: City Planner Larry Lewis. Audience: 0.

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I. Discussion Topics

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A. Review past Planning Commission recommendations

Commissioner Shelly Shrock noted it had been nine months since the Commission sent its recommendation on Formula Businesses to the Council and was concerned about getting code in place as there are seven commercial lots for sale on the north end of the city. Commissioner Anderson reported Manager Davies, Councilor Frye, and the City Attorney were now handling the issue. Anderson indicated the attorney wanted the Commission to involve him earlier in the process of drafting legislation and that what was submitted was lacked clear definition of the harm that would be caused by formula businesses. Shrock noted the Commission had taken language from existing code in other jurisdictions and provided justification from the Comprehensive Plan. Commissioner Hafner asked if the proposal could come back to the Planning Commission for revision. Anderson noted the City Attorney's involvement might play a role in whether the Commission gets to revise the proposal. Commissioners expressed frustration over not getting feedback on prior proposals. Shrock noted the amount of time required just to conduct the formal part of amending Code, including drafting the ordinance, having a public hearing, having the ordinance approved by other governmental agencies, and the Council's final vote.

Shrock asked there be more communication between the Planning Commission and the City Council, such as a report from the Council on updates of Planning business. Commissioner Deriberprey suggested reading the Council minutes and talking to Councilors. Anderson noted different Councilors might give different answers. Shrock asked if the Planning Commission could ask for follow up on matters we send to the Council. Anderson noted the Commission does not fall into the regular report categories on the Council's agenda, such a department reports.

Hafner reported Mayor Stanley recently asked her when the Planning Commission was going to send a report on tiny houses. Anderson noted she had sent the memo all Commissioners reviewed to Manager Davies to forward to Councilors. She noted Councilor Glenn had mentioned this memo to her. Anderson indicated she would follow through on this matter with Manager Davies.

Anderson reported the Council had not voted on Ordinance 345 making vacation rentals an outright use in residential zones. She recalled Councilor Scott had asked the Commission to establish the status of vacation rentals as either a conditional or an outright use, as it was then currently not specified in the code. Scott believed the use should be outright. Anderson stated she was not in favor of specifying vacation rentals as an outright use as that would be in conflict with other parts of the code that require businesses to get conditional use permits for operations in residential zones. She reported Manager Davies had indicated the Council vote on the Ordinance had been on the agenda in the latter part of 2016 and then was dropped at the end of 2016. Some Councilors were in favor of making vacation rentals a conditional use in residential zones, especially to allow neighbors to give input in the licensing process.

Anderson stated she understood from a discussion with Manager Davies that the Commission could deny a conditional use based on neighbors not wanting the vacation rental. Lewis disagreed, stating a denial must be based on not following established standards. Commissioners discussed the standards that exist via licensing requirements and whether they are businesses. Deriberprey suggested a long-term rental is also a type of business if a business means earning income from your property. Lewis stated he saw requiring a conditional use permit for a vacation rental to be the exception. He suggested problems around vacation rentals are more about code enforcement than the existence of standards. Lewis believed the licensing checklist included sufficient standards.

B. Preparation for revisiting conditional use #1-CU-PC-14 Hetzler – Parking Analysis

Commissioners expressed concern over getting the meeting information so late. Anderson stated she would ask Clerk Jackson to post the agenda ASAP even if not all supporting documents are available.

Kerti asked for more information on the agenda item for Hetzler's conditional use. Lewis indicated Linda Hetzler was going to present an update. Anderson summarized a short history of this conditional use application. Commissioners were confused about what elements of Hetzler's properties should be addressed when assessing parking requirements. Shrock and Anderson recalled different numbers than what Lewis was presenting. Lewis asserted 20 off street parking spaces were required, assuming spaces for the restaurant and storage were grandfathered in. Anderson asked Lewis to make copies of his documents so Commissioners could review before Hetzler arrived. Lewis indicated Hetzler could address questions Commissioners were raising.

C. Comprehensive Plan Goal D – Protection of Shoreland Resources

Commissioners missed having the expertise of Commissioner Urban at this time.

Deriberprey noted "green" in action item d is not precise and suggested more specific language. Anderson suggested the language, "using alternative/renewable energy sources and following environmentally sustainable and energy efficient" to replace "green" in action items a and d.

Kerti noted policy 3 is essentially action item a and could be removed.

Commissioners discussed whether they should be addressing which goals and policies need more attention for implementing. Anderson agreed that after the Commission reviews the goals, they would establish priorities for implementation.

Anderson adjourned the work session at 2:43 pm.

Helen Anderson, Chair

Date

Minutes prepared by H H Anderson on August 17, 2017