

1. Agenda

Documents:

[10-17-17_PC_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[BLDG_PERMIT_10-10-17.PDF](#)

[ZONING-LAND_USE_CODE_CH_9.44.PDF](#)

[GOALS_C-E.PDF](#)

[09-19-17_PLANNING_COMMISSION_WORK_SESSION_1.PDF](#)

[09-19-17_PLANNING_COMMISSION_REGULAR_1.PDF](#)

3. Work Session Minutes

Documents:

[2017-10-17 PLANNING WS MINUTES.PDF](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

Tuesday, October 17, 2017: 2 pm Work Session; 3 pm Regular Meeting

WORK SESSION AGENDA

- A. Planning Commission Packet and Computer Review and Update – Greg Scott
- B. Status of Items Planning Commission has forwarded to City Council
- C. Sign Ordinance – Summary of City Council Discussion
- D. Yachats Comprehensive Plan – Goals C-D - Summary of Prior Planning Commission Work Sessions
- E. 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 – September 19, 2017
- III. Citizen's Concerns
- IV. Planner's Report
- V. Other Business
 - A. From the Commission
 - B. From Staff

Commission meets the third Tuesday of each month.

Next scheduled meeting: November 21, 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: October 11, 2017



City of Yachats **2017 LAND USE / BUILDING PERMIT ACTIVITY**

September 13, 2017 through October 10, 2017

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
9/19/17	Building Permit	Patricia Rollins	14-12-26CB/7300 311 Spruce Ave	R-1	Garage addition to single family dwelling	Approved 9/19/17
9/22/17	Building Permit	Dublin House Motel – Daniel Serbu	14-12-27AD/4100 251 W. 7 th St	C-1	Foundation underpinning	Approved 9/26/17
9/28/17	Building Permit	Jamie & Dagmar Maston	14-12-26BC/7100 705 Gimlet Ln Blackstone Subdiv.	R-1	New single family dwelling	Pending receipt of geo report. Geo report rec'd. Approved 10/10/17
10/3/17	Building Permit	Annette Duff	14-12-27DA/8500 194 W. 3 rd St	R-3	Add rear deck and stairs/landing on west side	Approved 10/3/17
10/5/17	Building Permit	Ernie Walsleben	14-12-27AB/2000 1057 Ocean View Dr	R-1	Change size of 4 windows and 1 slider door	Approved 10/10/17

Yachats Zoning & Land Use Code

Chapter 9.44 - Signs

Section 9.44.010 Purpose.

This chapter regulates signs which are visible from the right-of-way and from beyond the property where erected. These regulations balance the need to protect the public safety and welfare, the need for a well-maintained and attractive community, and the need for identification, communication and advertising for all land uses. The regulations for signs have the following specific objectives:

- A. To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;
- B. To allow and promote positive conditions for meeting sign users' needs while at the same time avoiding nuisances to nearby properties;
- C. To reflect and support the desired character and development patterns of the various zones;
- D. To allow for a variety in number and type of signs in commercial zones while preventing signs from dominating the visual appearance of the area;
- E. To ensure that the constitutionally guaranteed right of free speech is protected.

This chapter establishes a permit procedure, and defines the duties of city authorities in administration and enforcement of these regulations.

Permits are required for signs that are not exempt as listed in Section 9.44.050.

Section 9.44.020 General requirements.

The following regulations shall apply to all signs within the city:

A. Allowed Sign Area.

- 1. A total area for signs on a property shall be limited to not more than 0.75 square foot of sign for each linear foot of a singular frontage with no one sign exceeding thirty-two (32) square feet, except as a wall sign or mansard roof sign is permitted hereafter. A maximum of two freestanding signs will be allowed on a property. A business with a minimum of three hundred (300) linear front and rear footage can choose to have one sign up to one hundred (100) square feet on the principal frontage street and a second sign, not to exceed thirty-two (32) square feet, on the alternate noncontiguous abutting street.
- 2. In determining linear feet of frontage, the contiguous tax lots under single ownership on which the business is located shall be considered.
- 3. Only signs requiring a permit shall be included when computing allowed sign area, except as provided hereafter.
- 4. A two-sided sign shall be considered one sign when the two surfaces are parallel and back to back on the same sign support structure.
- 5. The area of a sign comprised of individual letters fixed or painted directly to a building surface shall be the area within an imaginary perimeter enclosing the sign with a six inch

margin on all sides between the perimeter of the area and the outermost edge of the letter or letters.

- B. Height of Sign. The highest edge or point of any sign or its structure shall be no higher than thirty (30) feet above center line of the adjacent right-of-way.
- C. Illumination.
 - 1. Interior illumination of signs is allowed. Exterior illumination is allowed if the source of light is not visible to surrounding property. In either instance, the illumination shall not cause direct glare into or upon any building other than the building to which the sign is accessory nor be directed towards any road nor distract motorists.
 - 2. Illuminated signs shall bear the Underwriters Laboratory label or equivalent.
- D. More Than One Business. If a building is devoted to more than one permitted use, it is the property owner's responsibility to apportion the total allowed sign area and supply written consent to the applicant for the sign permit.
- E. More Than One Street Frontage. If a property abuts two rights-of-way, the allowed sign area shall be displayed only on the frontage from which that sign allowance is derived.
- F. Obstruction of Passageways.
 - 1. Signs shall not obstruct any window or door opening used as a means of ingress and/or egress nor interfere with any opening required for ventilation.
 - 2. Signs shall not obstruct walkways or rights-of-way.
- G. Off-Premises Signs. Sign permit applications for off-premises signs shall include a signed agreement by the owner of the property on which the sign is to be placed. The combination of all signage for any given site shall not exceed the maximum allowed signage as provided in this section.
- H. Removal of Obsolete Signs. All signs covered in this title shall be taken down, removed, or de-lettered within thirty (30) days after cessation of the business, unless a proposed and justified extension is approved by city staff. City staff may grant one 30 day extension.
- I. Safety. Signs shall be constructed, erected and maintained in a fashion not hazardous to the welfare and safety of the general public.

Section 9.44.030 Specific requirements.

- A. Awning, Canopy and Marquee Signs. The sign area shall not exceed the lesser of: (1) thirty-two (32) square feet; or (2) fifty (50) percent of the area of the awning, canopy or marquee to which the sign is attached.
- B. Freestanding Ground Signs. These signs shall conform to general requirements with no further specific requirements.
- C. Home Business and Bed and Breakfast Inn Signs. Signs identifying the premises of a permitted home business (as defined in Ordinance 73) (one and one-half square feet) or bed and breakfast inn (three square feet) shall conform to the standards and procedures governing conditional uses within the Ordinance. Properties abutting two or more noncontiguous streets

shall be permitted signage at each street as limited above (one and one-half square feet for businesses or three square feet for bed and breakfasts) on each street.*

D. Projecting Signs.

1. The bottom edge of a projecting sign shall be a minimum of seven feet six inches above adjacent grade.
2. The projecting sign shall not extend more than five feet from the building wall to which the sign is attached.

E. Roof Signs. The height of the highest edge or point of a roof sign shall be the lesser of: (1) thirty (30) feet above adjacent grade; or (2) the ridge line of a pitched roof or four feet above a flat roof.

F. Wall Signs and Mansard Roof Signs.

1. A sign on a mansard roof shall be considered a wall sign.
2. The area of a wall sign shall not exceed the lesser of: (1) one hundred (100) square foot; or (2) twenty (20) percent of the area of the building wall or the face of the mansard roof to which it is attached.
3. A wall sign shall not project more than sixteen (16) inches from the wall to which it is attached.
4. The highest edge or point of a wall sign shall not project higher than the wall to which the sign is attached.

G. Window Signs. Permanent signs inside windows that can be read from outside the building shall be computed into the total allowable sign area.

* This may be in conflict with Section 9.72.050. It is the council's intention that Section 90.44.030(C) take precedence.

Section 9.44.040 Prohibited signs.

- A. Signs that blink, rotate, swing, revolve, or otherwise attract attention through movement or flashing of parts, including devices such as strings of lights, or strings of pennants. Event banners, pennants and flags may be permitted, provided they meet all other requirements of this title;
- B. Portable, A-frame, and wheeled signs;
- C. Roof signs painted directly on the roof surface;
- D. Signs painted with phosphorescent or luminescent or sparkling paint;
- E. Signs that violate any law of the state of Oregon;
- F. Signs which imitate or obstruct the view of any official traffic control device or sign;
- G. Signs, other than event signs, displayed on vehicles not incidental to the primary use of the vehicle. (Ord. 211, Amended, 01/15/1999; Ord. 175, 1995; Ord. 73E § 3.010(4), 1992; Ord. 140, 1991)

Section 9.44.050 Signs exempted from permits.

- A. Construction activity signs relating to construction activity occurring, or about to occur, on a property. These signs shall meet the following requirements:

1. A maximum number of three signs on one pole not to exceed four square feet each, oriented to each abutting right-of-way;
 2. May be erected twenty (20) days prior to start of construction of the work. If start of construction is delayed beyond twenty (20) days, the sign(s) shall be removed but may be re-erected when construction actually begins;
 3. Shall be located on the premises of the construction activity;
 4. Must be removed within thirty (30) days of completion of construction.
- B. Credit card, rating or association signs, provided the area of each sign is three square feet or less and provided there are no more than four such signs. These signs shall be attached to the primary sign or displayed in a window.
- C. Directional signs not exceeding six square feet in area.
1. Public directional signs not exceeding six square feet in area.
 2. Private Directional Signs. A limit of four private commercial directional signs not to exceed two and one-half square feet each.
- D. Event signs advertising the occurrence of a business-related activity or event, such as a sale or business opening, and signs advertising the occurrence of a community activity or event sponsored by a civic, philanthropic, educational or religious organization. These signs shall meet the following requirements:
1. A maximum of four signs for each occurrence, except decorative, seasonal or event banners approved and placed by the Yachats Area Chamber of Commerce in permanent brackets installed expressly for that purpose; and the national colors;
 2. A maximum sign size shall comply with Section 9.44.020(A)(1);
 3. A maximum display duration of thirty (30) days, except ninety (90) days for Chamber of Commerce banners defined above in subsection (D)(1). Signs shall be removed within three days after termination of the event;
 4. May be located on property other than the premises of the advertised event, provided the property owner has provided written consent to the placement of the sign(s).
- E. Garage, estate or yard sale signs advertising the occurrence of a sale of goods by the owner or occupant of the premises. These signs shall meet the following requirements:
1. A maximum number of one sign per right-of-way frontage;
 2. A maximum sign size of four square feet;
 3. Shall be displayed no more than two days prior to and during actual days of the sale;
 4. Shall be located on the premises of the sale, except for a maximum of two off-premise signs with the approval of landowner;
 5. Must be removed within one day following the sale.
- F. Nameplate, indicating the name, address, and occupation or profession of the occupant, provided the sign area is one and one-half square foot or less.

- G. Non-Business, Residential Properties. A sign bearing the name of the occupant or the premises may be allowed provided the sign area is no more than three square feet.
- H. Permanent, non-flashing signs in or on vending machines, gasoline pumps, or other similar devices or containers indicating only the contents, pricing and instructions as to use.
- I. Political signs identifying candidates for public office, or relating to political parties, ballot issues, or elections. These signs shall meet the following requirements:
 - 1. A maximum sign size of four square feet;
 - 2. A maximum display duration of forty-five (45) days prior to the election date. Signs shall be removed within ten days after the election date;
 - 3. May be located on private property provided the property owner has given written consent to the placement of the sign.
- J. Real Estate Signs. Signs not exceeding six square feet on residential properties or not exceeding twenty (20) square feet on commercial properties advertising the sale, lease or rental of the property. A maximum of one sign oriented to each abutting right-of-way is allowed. Signs shall be removed within fourteen (14) days after the property has been sold, leased or rented.
- K. Temporary Signs. Temporary signs occupying no more than forty (40) percent of the glazed window area.
- L. Separate vacancy and open/closed signs that are four square feet in area or smaller. (Other open/closed signs incorporated as part of other signs are not exempt.)
- M. Flags, banners, and similar decorations, provided such decorations do not include any lettering or meet all other requirements of this title.

Section 9.44.060 Application procedure.

- A. Application Form. Applications for sign permits shall be submitted at the city office on prescribed application forms. Applications shall include the following information:
 - 1. The names, addresses and telephone numbers of the applicant, the owner of the property on which the sign is to be installed, the owner of the sign, and the person or company who will install the sign;
 - 2. The location of the building, structure or lot on which the sign is to be installed;
 - 3. A site plan of the property, showing accurate placement thereon of the proposed sign;
 - 4. Plans with configurations of the proposed sign, covering the materials and methods of construction and installation. Plans shall include details of dimensions, materials, weight and other relevant factors (see Section 9.44.040(D));
 - 5. The written consent of the owner of the building, structure or property on which the sign is to be installed;
 - 6. Such other information as the city may require to determine full compliance with this and other applicable ordinances of the city;
 - 7. If a business, evidence that owner has a city business license;

8. If unused, a sign permit will expire one year from date of issuance.
- B. Planning Commission Action. Upon the filing of a sign permit application, the planning commission or its designee shall examine the plans, specifications and other submitted data, together with the sign sub-committee/or designated authority site inspection report. The sign permit application should be filed no later than the eighth day prior to the regular meeting date of the planning commission. If it appears the proposed sign is in compliance with this title and other applicable ordinances and if the appropriate permit fee has been paid, the commission or its designee shall issue a permit for the proposed sign.
- C. Application Fee. A filing fee of twenty-five dollars (\$25.00) shall be paid at the time of filing each sign permit application. More than one sign may be applied for by each permit application.
- D. Permits Are Licenses. All rights and privileges acquired under the provisions of this chapter are mere licenses and, as such, are at any time revocable for just cause by the city. All permits issued pursuant to this chapter are subject to this provision.

Section 9.44.070 Enforcement.

- A. Enforcement Officers. The city council or designated agent shall be the enforcement officers for these regulations. The planning commission shall assist by making recommendations. A sign sub-committee may be appointed by the planning commission chair to conduct annual or more frequent inspections of signs displayed in the city. When a sign permit application is filed, the sign sub-committee or the designated agent shall inspect the site of the proposed sign and approve or disapprove such or report to the planning commission if there are mitigating circumstances.
- B. Enforcement procedure shall be as provided in the section of this title regarding remedies. For purposes of enforcement a sign shall be considered a structure.

Section 9.44.080 Appeal of planning commission action.

An appeal shall be governed by Chapter 9.88.

Section 9.44.090 Nonconforming signs.

The city council finds that signs are less permanent in nature and more readily replaced than other structures regulated in this title. The council further finds that indefinite continuation of this nonconforming sign is contrary to the objectives of this section. Therefore, notwithstanding provision in Chapter 9.76, the following regulations shall apply to signs:

- A. Limitation. Any sign deemed to be nonconforming at the time these sign regulations become effective shall be deemed to be in compliance if the sign's owner can prove that the sign was erected with an approved sign permit at the time. In the event that a nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replaced value, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this title.
- B. Notification. Within ninety (90) days of the effective date of these regulations, the sign sub-committee or the council appointed designated agent, shall conduct the first of its annual inspections and shall notify owner of nonconforming signs and inform them of the provisions of the section on limitation.

October 10, 2017

To: Yachats Planning Commission

From: Larry Lewis, City Planner

**Re: Yachats Comprehensive Plan
Planning Commission Review of Goals C-E**

The Planning Commission is currently reviewing and updating the Yachats Comprehensive Plan Goals and Policies. This memorandum provides a summary of the Planning Commission's review and recommendations for Goals C and D.

Additionally, Goal E. Protection from Natural Hazards and Disasters is included for the Planning Commission's initial review and draft update.

GOAL C. PROTECTION OF SHORELAND RESOURCES

The Planning Commission reviewed Comprehensive Plan Goal C. Protection of Shoreland Resources at the June and July 2017 work sessions. The Commission discussed the purpose and intent of the Comprehensive Plan versus the Zoning & Land Use Code. It was noted that the Comprehensive Plan Goals and Policies are overriding policies and the Zoning & Land Use Code is the appropriate document to implement the policies and to provide specificity.

Currently, Goal C includes some policy language that is very specific and more appropriate for the Zoning & Land Use Code versus the Comprehensive Plan. The Commission agreed that Policies 3, 4, and 5 should be changed to provide overriding statements about protection of shoreland resources. The existing policies are stated below in ~~strikethrough italics~~ and followed by recommended policy statements.

[Existing] Policy 3.

~~In the Shorelands along the river, a 50-foot buffer strip, measured horizontally from the edge of the bank shall be maintained. In the first 30 feet, the existing riparian vegetation shall not be removed. In the latter 20 feet, slight vegetative alteration will be allowed as long as the overstory is retained. Minor access paths leading to (but not parallel to) the river shall be allowed as long as the overstory is not disturbed. Noxious weeds and invasive plants shall be exempt from this restriction.~~

[Recommended] Policy 3.

In order to recognize, protect, and maintain the value of the Yachats River, a buffer shall be provided from the edge of the bank. The buffer will contribute to maintenance and enhancement of water quality, fish and wildlife habitat, recreation and aesthetics, and provide open space. The buffer will also help protect property from flooding and help manage stormwater drainage.

[Existing] Policy 4.

~~On shorelands along the ocean, a 25-foot buffer strip from the top of the bank shall exist wherein existing stabilizing vegetation shall not be removed.~~

[Recommended] Policy 4.

In order to recognize, protect, and maintain the value of the ocean, a buffer shall be provided from the top of the bank. Existing stabilizing native vegetation shall not be removed within the buffer in order to help stabilize the bluff and mitigate erosion. The buffer will also help protect adjacent property from flooding and erosion.

The Planning Commission discussed Policy 5 regarding structural stabilization methods along shorelines. The existing policy state priorities for shoreline stabilization for erosion control. There was discussion whether the policy is too specific. It was noted that Policy 5 is the same as the Zoning & Land Use Code Section 9.52.090. Existing Policy 5 is stated below.

[Existing] Policy 5.

~~Land use management practices (such as setbacks and maintenance of riparian vegetation) and non-structural alternatives shall be preferred methods of shoreline stabilization. Structural stabilization methods (such as riprap and bulkheads) shall be allowed when necessary for the protection of existing land uses and resources, and when designed to minimize adverse water quality, habitat and environmental impacts. Where riprap, bulkheads or seawalls are proposed as shoreline protective measures, evidence shall be provided that higher priority methods of erosion control will not work. The priorities for shoreline stabilization for erosion control are (from highest to lowest):~~

- ~~a. Proper maintenance of existing riparian vegetation~~
- ~~b. Planting of riparian vegetation~~
- ~~c. Vegetated riprap~~
- ~~d. Non-vegetated riprap~~
- ~~e. Bulkhead or seawall~~

[Recommended] Policy 5.

The City shall provide implementing ordinances in the Zoning & Land Use Code to protect, maintain, and stabilize the shoreline. Stabilization and erosion control methods shall be included in the Zoning & Land Use Code.

GOAL D. CONSERVATION OF ENERGY

At the August 15, 2017 work session, the Planning Commission recommended the following Goal D updates:

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.~~

43. 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.

54. 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~~ **make available** educational materials about ~~green~~ **using alternative/renewable energy sources and following environmentally sustainable and energy efficient** 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'~~ **using alternative/renewable energy sources and following environmentally sustainable and energy efficient** 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.

YACHATS PLANNING COMMISSION

September 19, 2017

Work Session Minutes

Vice-Chair Ron Urban called the September 19, 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, James Kerti, JD Deriberprey, Christine Orchard, Shelly Shrock. Absent: Ginny Hafner. Audience: 0.

I. Commissioner Concerns

Commissioner Deriberprey asked about the formula business regulations being returned to the Planning Commission. The City Council voted at their September 13, 2017 meeting to send the matter back to the Commission to address issues raised by the City Attorney if the City Manager did not have time to revise the current proposal.

Deriberprey asked for clarification on the removal of the building on the parking lot as part of the 2014 Hetzler conditional use permit. Deriberprey noted the minutes from the August 2017 meeting implied removal of the building was voluntary when the conditional use stipulated the building "shall be removed." Commissioner Anderson indicated she would stipulate an amendment to the August 2017 minutes to state, "The 1-CU-14 Hetzler permit indicates removal of the building is required."

Commissioners struggled to find the minutes in the Document Library. Planner Lewis noted that when the entire meeting packet was scanned as one document, commissioners did not have difficulty in finding meeting materials. Anderson asked Lewis to report the problem to Manager Davies.

Urban recalled the Light Industrial definition created by the Commission has not been forwarded to anyone. Urban expressed concern that work and proposals by the Planning Commission are not making it through the appropriate channels to reach a vote by the City Council. Anderson reviewed the process of the Commission's work getting to the City Manager, the City Attorney, and then to the Council. Councilor Shrock asked that the Commission be updated. Anderson noted no one had seen a document in the Document Library indicating the rejection of Planning Commission's proposal on making vacation rentals an outright use in residential zones. Deriberprey asked about the Commission making a regular report to Council. Commissioners agreed that when a Planning Commission proposal is before Council for a vote, a representative from the Commission would be present. This role would be assigned on an as needed basis.

Anderson proposed the Chair of the Planning Commission assume responsibility for assuring proposals go through the proper channels to get to ordinance form. Commissioners discussed the appropriate places in the Code for the Light Industrial definition, noting 9.04.030 is for general definitions. Anderson asked what standards or regulations would apply to Light Industrial. Lewis noted other cities have zones for Light Industrial, rather than solely addressing the use as a conditional use.

Lewis stated a public hearing is required to include a new definition in the Code. He reminded the Commission that the Department of Land Conservation Development requires a 35-day notice and that the City must notify all residents affected by the proposed change 21 days prior to a hearing. Lewis and Commissioners discussed the work requirements of the City to do such a mailing and the option to group multiple minor code adjustments into one public notice. Lewis also noted Land Use Applications must be posted 7 days prior to a meeting.

Commissioner Kerti expressed concern over minutes for all Commissions not being posted with enough time to review before meetings. Anderson stated she would distribute minutes as soon as they are completed and the agenda would be posted a week prior to the meeting. Commissioners discussed the process for getting documents online in the Documents Library and how that process is impeding getting information distributed. Anderson suggested a work-around where a "dummy" agenda could be posted so relevant documents could be posted as they become available.

Urban stressed the importance of having follow-through with the Commission's work. Commissioners discussed how it took a citizen raising the Formula Business regulation issue at a Council meeting to get the Council to take action on the proposal. Commissioners briefly discussed having vacation rentals be a conditional use versus outright use.

II. Goals A-D Comprehensive Plan

Lewis stated he created this summary for Commissioners to review for accuracy. Anderson noted a potential typo on Goal A Policy 13 or 3. Lewis noted the polarization around the issue of view versus tree protections, noting that legislation has likely not occurred because of the difficulty in getting consensus. Lewis indicated other jurisdictions have used overlay zones to address more controversial issues, and it is more difficult to enact restrictions in more developed areas.

Deriberprey asked if the Council had voted on the recommended changes to building height exception (9.52.170). Anderson indicated she would follow up on this issue.

Commissioners discussed what should be included on the Recreation and Natural Resources Map per questions raised by Lewis in his summary packet. Kerti noted the map is first mentioned in Goal B Policy 3 and 4, requiring that the map shall note access points and ADA compliancy. Kerti noted Policy 3 refers specifically to development "for purposes of resource management."

Lewis clarified the Natural Management Unit is confined to areas where salt and fresh water mix. Commissioners discussed access points such as the stairs on the south side of the bay and trails to the beach along Ocean View Drive. Lewis noted the rocky cliffs and tide pools are not included on the current map. Lewis indicated he would add the coastline features to the map. Commissioners agreed they could identify the access points once Lewis has identified the resources. Commissioners agreed the tsunami and flood hazard areas could be removed from the resources map. Anderson suggested highlighting the buffer zones to scale on the map or as an overlay for the map.

Urban adjourned the meeting at 3:00 pm.

Ron Urban, Vice-Chair

Date

Minutes prepared by H H Anderson on October 3, 2017.

YACHATS PLANNING COMMISSION

September 19, 2017

Regular Meeting Minutes

Chair Helen Anderson called the September 19, 2017 regular meeting of the Yachats Planning Commission to order at 3:00 pm in Room 1 of the Yachats Commons. Members present: Helen Anderson, James Kerti, Ron Urban, JD Deriberprey, Shelly Shrock. Absent: Ginny Hafner. Audience: 0.

I. Announcements and Correspondence - none

The City Council has organized a training on November 13, 2017 at 10:00 am on Keesey's Rules of Parliamentary Procedure. All Commissioners are invited.

II. Minutes

A. Regular Meeting and Work Session of July 18, 2017

Commissioner Deriberprey moved to approve the August 15, 2017 work session minutes and regular meeting minutes of the Planning Commission as amended by adding "The 1-CU-PC-14 Hetzler permit indicates removal of the building is required": Aye - 4; No - 0; Abstain - 2 (Orchard and Urban absent)

III. Citizen's Concerns - none

IV. Public Hearing - none

V. Planner's Report

Planner Lewis summarized his report for August 9, 2017 to September 12, 2017. Commissioner Anderson asked for clarification on the issues around the sign for the Dollar General store. Lewis stated 75% of the lineal footage of the lot is allowed as total square footage for a signage. Commissioner Shrock asked for clarification on the permit for the walkway for the Drift Inn property.

VI. Other Business

A. From the Commission

Lewis reported the Farm Store has submitted a building permit application to Lincoln County. The County forwarded the application to the non-residential building review group in Eugene. The Eugene group indicated additional information was needed. As of the previous week, Owner Nathan Bernard was planning to meet with the evaluator to go over requirements.

Commissioners gave consensus to have the definition of Light Industrial added to the General Definitions in 9.04.030. Lewis indicated he would see if there was another issue to bundle with this change.

Anderson reported an issue brought to her attention about the 30% lot coverage maximum lot coverage in R-1 zones. She asked whether paved driveways should be included as part of a maximum lot coverage if the intent of the maximum lot coverage is about controlling impervious surfaces. Lewis noted there could be an additional limitation for "other impervious surfaces" such as driveways. Anderson stated her concern was about water runoff. Commissioner Shrock noted as part of building their home, they were required to show how water would be drained from their property. Lewis noted there is a State law that stipulates building cannot increase

1 water runoff to a neighbor's property. He noted the City forwards building plans to Public Works
2 who approved runoff is going to the appropriate location.

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4 Commissioner Deriberprey asked about his sister getting a conditional use permit to operate a
5 school in an R-3 zone. Lewis noted schools are not specifically mentioned in the use categories
6 so the general criteria for R-3 would apply for school use. Anderson stated the Commission
7 cannot make promises about conditional use permits. Lewis noted his experience with State
8 governance is that as long as the applicant is meeting all of the requirements, there is not a
9 reason the Planning Commission could deny that use.

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11 **B. From Staff - none**

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13 With no further business before the Commission, Anderson adjourned the meeting at 3:46 pm.
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19 _____
Helen Anderson, Chair

Date

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21 Minutes prepared by H H Anderson on August 17, 2017.

YACHATS PLANNING COMMISSION

October 17, 2017

Work Session Minutes

Vice-Chair Ron Urban called the October 17, 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, James Kerti, JD Deriberprey, Christine Orchard, Shelly Shrock, Ginny Hafner. Absent: none. Audience: 1.

Commission Chair Helen Anderson asked that Commissioners turn off their phones, not use their phone during meetings, and not “reply all” to email communications. Anderson also noted the Commission should stick to items on the agenda, and get updates on other matters during the last five minutes of the work session. Commissioner Hafner noted there is a spot on the regular meeting agenda for Commissioners to bring up issues that are not itemized on the agenda.

Anderson indicated she would give a summary of what has taken place on Planning Commission related legislation. Anderson reported the building height exceptions and hazard area Code changes ordinance will be on the Council agenda for a vote on November 1, 2017.

I. Document Library Questions – Greg Scott

Councilor Greg Scott presented a summary of accessing documents through www.yachatsoregon.org. Scott noted the information icon (little I with circle around it) will open links to all the documents associated with the selected agenda. Scott and Commissioners discussed what features could be automatically opened versus needing to click the plus sign “+” to open. Commissioner Shrock noted the pop-up windows on the home page do not close once opened (right hand column of upcoming meetings). Commissioner Deriberprey noted that refreshing the page will cause the popup to go away. Commissioner Hafner noted the popup has language to “see more details” but there is no link to go to. Scott indicated that information is populated from the description on the goyachats page.

Scott noted he added a “Search for Information” item under the “How do I?” tab of the home page that contains graphic images of the parameters in the search section.

Anderson asked if there was a way to search document titles only. Scott indicated there is not. Anderson suggested a search of “wetlands inventory,” noting when she searched the Local Wetlands Inventory was the 40th item in the list. Scott noted the toggle to search by date (versus relevance), which moves the Local Wetlands Inventory. Scott noted the relevance tab search leads to a lot of variability in search results returned. Scott noted the magnifying glass icon in the header of the website that is the same search from the documents library.

Hafner reported she tried to find minutes on formula business regulations and had difficulty finding the relevant documents. Scott suggested using the Planning filter.

Anderson asked if putting two search words in quotes makes a difference. Scott indicated it should make a difference. Commissioners explored searching various topics. Scott encouraged Commissioners to use the help pages.

Commissioner Orchard asked for clarification on the “reply all” question around emails. Anderson noted a person can reply to an individual. Anderson explained when more than four members

1 have back-and-forth communication it constitutes an official meeting by State public meeting laws.
2 Public meetings technically need to be posted 24 hours prior to the meeting.
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4 **II. Status of items Planning Commission has forward to the City Council**

5 Urban reported he went through his notes and all minutes since he joined the Planning
6 Commission. He found three items that need follow up:
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8 1. Light Industrial Definition. Urban noted the urgency to have a public hearing on the issue to
9 address upcoming developments. Anderson reported the definition was sent to the attorney who
10 returned two pages of comments. Urban wanted clarification on the involvement of the City
11 Attorney in Planning Commission work. Anderson indicated she and Lewis need to get more
12 information from the City Manager. Commissioners reviewed that once a recommendation is sent
13 to Council, they Commission is done with their work unless the Council sends the recommendation
14 back. Lewis reminded Commissioners that once the Commission has a draft, the process is that a
15 35-day notice is sent to DLCD, a notice is mailed to residents, the Commission has a public
16 hearing, then the Commission makes a recommendation to Council. Anderson noted the City
17 Manager wants the Commission to combine small changes into one package to reduce the time
18 staff spends doing the work for notifications.
19

20 2. Building Height Exceptions. Urban noted the City Council has not acted on the Commissions
21 recommendation for building height exceptions that was sent on July 18, 2017. Anderson reported
22 the recommendations are currently with the Attorney, and pending the Attorney recommendations,
23 it will be on the agenda for the next Council meeting. Urban stated this sequence of actions is
24 what he is familiar with (Commission to Attorney to Council). Anderson noted the Attorney had
25 asked to be involved earlier in the process. Commissioners were uncertain as to the need for
26 attorney involvement when they are replicating what has been done in other jurisdictions, noting
27 attorney involvement slows down the process and costs the City money. Lewis indicated he can
28 talk directly to the Attorney. Commissioners discussed pros and cons of the timing of attorney
29 involvement.
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31 3. Hazard Areas. Urban noted the Commission held a public hearing and sent the
32 recommendation to the Council. Anderson reported this item was bundled with Building Height
33 Exceptions for the Council public hearing process.
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35 Hafner asked about follow up on the Commissions work on tiny houses. Anderson reported she
36 did send Council a memo on what the Commission discussed. Commissioners discussed the
37 approach used to review the summary document through email. Hafner emphasized the need to
38 discuss matters in meetings only.
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40 Urban noted he has the record of the relevant dates associated with Commission actions sent to
41 Council should anyone want that information.
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43 Kerti asked for more information the reasoning the Attorney has for their actions. Anderson
44 indicated she had asked the City Manager to allow her to share with the Commission the Attorney
45 feedback. Anderson noted the Commission can disagree with the Attorney's suggestions.
46 Deriberprey noted case law is developed by parties disagreeing on legal interpretations.
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48 **III. Follow Up Questions**

49 Orchard asked about the moving of the driveway on the Coolidge Lane home. Lewis stated he
50 was assured it would be moved. Anderson indicated Linda Hetzler would be at the November
51 meeting for a conditional use application, and Commissioners could ask her at that time about the
52 removal of the home on the parking lot property. Urban asked about sign ordinance work. Lewis

recommended that the Commission update the code on signs. Anderson summarized that the Lion's Club had asked the Council about making an exception to allow them to put up an A-frame sign for special events.

Urban adjourned the meeting at 3:00 pm to be continued to after the regular meeting.

Work Session resumed at 3:17 pm.

IV. Sign Ordinance

Anderson summarized that the City Council wanted to have an exception to code to allow for people to put out temporary signage for special events, specifically to allow the Lion's Club to post their A-frame sign for special events. Lewis summarized the process Waldport recently completed on sign code. Lewis highlighted some changes such as allowing a-frame signs on sidewalks with regulations on number, size, placement, anchoring, daily removal; allowing banners with height and number restrictions; restricting monument signs to eight feet in height; and adjusting on amount of building façade to have signage. He noted when business owners came to the meeting to give input on the ordinance, they learned much was being relaxed, and subsequently began self-enforcing compliance. Hafner noted she was involved with the work to amend the Waldport code.

Commissioners agreed the language in the Waldport code was much clearer than the Yachats Code 9.44. Anderson noted 9.44.040(D) does allow for exemptions for special events. Anderson asked Lewis if that section would allow for the Lion's Club a-frame. Lewis stated it might, but clearer language would be better. He clarified four feet of width is required for foot traffic on the sidewalk, and a-frame signs must be outside of that corridor.

Commissioners discussed practices around Yachats with temporary signs. Lewis noted Depoe Bay's revision on signage code started with the Waldport code as their draft. Commissioners discussed strategies to approach the revision and to solicit public input in drafting the measure. Lewis noted it is helpful to have summary tables indicating what exists and what will be new to help citizens understand the changes.

Anderson asked Commissioners review the existing Waldport and Yachats signage code and to identify the critical components to be included in new code before the November 28, 2017 work session.

V. Going Forward

Anderson reported Manager Davies had sent an email indicating that language must be established prior to a public hearing, which would mean the attorney's changes should be incorporated prior to a public hearing.

Urban noted the Commission's work on reviewing the Comp Plan is being slowed down by the focus on additional code issues. Anderson suggested having a special work session to focus solely on the Comp Plan review.

Commissioners agreed to meet on November 14, 2017 at 2:00 pm to work on the Comp Plan review. Urban suggested using the 23-page Comp Plan plus appendices version on the website so that everyone is working from a document with the same page numbers.

The work session was adjourned at 3:50 pm.

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Ron Urban, Vice-Chair

Date

Minutes prepared by H H Anderson on November 11, 2017.