

1. Agenda

Documents:

[11-28-17_PC_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[11-14-17_PLANNING_COMMISSION_WORK_SESSION_MIN.PDF](#)

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

[MAKING_A_MOTION.PDF](#)

[HETZLER-CONDITIONAL_USE.PDF](#)

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

[HETZLER_PUBLIC_HEARING_11-07-17.PDF](#)

[BLDG_PERMIT_AS_OF_OCT_2017.PDF](#)

3. Work Session Minutes

Documents:

[2017-11-28 PLANNING WS MINUTES.PDF](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

Tuesday, November 28, 2017: 2 pm Work Session; 3 pm Regular Meeting

WORK SESSION AGENDA

- A. Handbook for New Commissioners
- B. Parliamentary Procedure
- C. Light Industrial Definition
- D. Sign Ordinance

REGULAR MEETING AGENDA

- I. Announcements and Correspondence
- II. Minutes
 - A. Regular Meeting and Work Session – October 17, 2017
 - B. Special Work Session – November 14, 2017
- III. Citizen's Concerns
- IV. Public Hearing
 - A. Case File #1-CU-PC-17 Hetzler Conditional Use Permit Application
- 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: December 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: October 11, 2017



YACHATS PLANNING COMMISSION

November 14, 2017

Special Work Session Minutes

Vice-Chair Ron Urban called the November 14, 2017 special work session of the Yachats Planning Commission to order at 2:00 pm in Room 3 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, James Kerti, Shelly Shrock, Ginny Hafner. Absent: JD Deriberprey, Christine Orchard. Audience: 0.

I. Review of Comprehensive Plan

Changes to and comments on the Comprehensive Plan made during the work session are summarized below.

Goal D

Policy 4 - habitable building should be plural (*i.e.*, habitable buildings)

Goal E

Policy 1 – delete the policy. Planer Lewis explained the RKNR Associates group performed assessments in the 1970s, and this work has since been incorporated into the Yachats Municipal Code.

Policy 2 – Commissioner Hafner asked who would determine the “effective mitigation strategies.” Lewis believed the certified geologist would make that determination. Commissioner Kerti asked about when a certified geologist is required, such as for what is identified in Policy 7. Commissioner Anderson noted matters on stream turbidity and seasonal flow would be the purview of an hydrologist. Lewis indicated there are restrictions on the buffer around streams and rivers, and building plans require a plan for storm water runoff.

Policy 4 – Anderson asked Lewis about the definition of “low density.” Commissioners noted lot size is governed by zoning. Lewis later noted the definition on page 22: Residential units at a concentration of less than one unit per two acres. Commissioners indicated mild interest in re-examining the steep slope requirements.

Policy 5 - Hafner asked who would determine what are safe accommodations. Anderson stated section 9.52.050 in the Code addresses steep slopes. Lewis noted zoning addresses density and the certified geologist would specify factors specific to the site.

Policy 6 – delete. Commissioner Urban asked Lewis about performance bonds. Lewis summarized how performance bonds were previously required and more recently removed. He indicated performance bonds are addressed in the building permitting process.

Policy 8 - change wording to: The City shall convey concerns regarding adverse forest activities to the Oregon Department of Forestry.

Policy 11 - end sentence after “efforts” and delete “both short and long term.”

Policy 12 - end sentence after “(CWWP)” and delete “when it is completed and approved.” Kerti asked if the CWWP had been completed.

Proposed Action (b) - add “vacation rentals” after “accommodations”

Proposed Action (d) - change to: Applications for subdivisions, Planned Unit Developments, and building permits shall include plans for storm water management.

Proposed Action (f) - delete

Proposed Action (g) – move to Policies and change to: The City shall follow recommendations in the Lincoln County Natural Hazards Mitigation Plan. Lewis explained the County updates this plan every five years.

Goal F

1 Policy 3 – change to: The City shall encourage the Oregon Department of Transportation to
2 improve Highway 101 for pedestrian and bicycle use.

3
4 **Goal G**

5 Change “urban growth boundary” to “Urban Growth Boundary (UGB)”

6 Policy 5 – spell out UGB

7 Policy 7 – Anderson noted the Commission might want to address creating standards for the
8 “community’s visual character.” Hafner reported she had talked to the City Planner at Cannon
9 Beach, who indicated they address design in their code.

10
11 Commissioners discussed the proper location for the instruction to review the sign ordinance and
12 concluded it was appropriate where it is in Goal G, Policy (a), as signage is part of being orderly
13 and efficient in growth.

14
15 **Goal H**

16 Policy 7 – Shrock asked why Dollar General did not have to put parking behind the building. Lewis
17 noted this recommendation is not part of the Code. Commissioners agreed this issue should be
18 addressed when developing standards for commercial building.

19
20 **Goal I**

21 Commissioners agreed to have Commissioner Orchard draft clearer language for the description.

22
23 Policy 9 – add period to end of sentence. Commissioners discussed the responsibility implied in
24 this policy. Lewis explained his experience is that legal matters have more weight when in the
25 Code rather than the Comprehensive Plan.

26 Policy 13 – change “places” to “shall place”

27 Policy 14 – change to: The City shall require emergency access routes in the approval of
28 developments and subdivisions. Commissioners discussed what is required in subdivisions and
29 PUDs regarding private roads. Urban suggested rechecking the requirements for PUDs to ensure
30 there is language regarding access. Lewis noted the Fire Chief has to approve plans for PUDs.
31 Lewis noted the Blackstone Development has a private road that is too steep and is thus blocked
32 to through traffic.

33
34 **Goal J**

35 Commissioners discussed whether there could be code requiring a specific amount of affordable
36 housing. Lewis noted this topic currently being addressed at the state and national levels.
37 Commissioners noted that given the price of vacant lots, it is unlikely that a new home could sell or
38 rent for a more affordable price. Urban noted that the City can work with developers on SDC
39 charges as a way of given cost incentives. Lewis noted other cities will have SDCs based on
40 home size to give incentive to build smaller homes. Anderson noted Councilor Glenn was the
41 Council Shepherd for affordable housing.

42
43 **Goal K**

44 Policy 3 – change “City Office and the City Library” to “City Hall, the online document library, and
45 the Yachats Public Library.”

46 Proposed Action – Commissioners were not aware of a “public involvement plan.” Anderson
47 indicated she would check with City staff.

48
49 **Goal L**

50 Policy 3 – change “accept” to “consider”

51
52 **Section IV - Plan Maps**

1 Hafner noted there were no attached maps as indicated in the text. Urban stated there is a section
2 for maps on the website. Shrock noted they are available at City Hall. Commissioners discussed
3 making Code and map information more available to the Public. They decided to send a memo to
4 the Library Commission asking that they establish a small space in the new Library for government
5 documents. Anderson indicated she would draft the proposal.

6
7 Commissioners discussed the need to ensure meetings are posted. There was significant interest
8 in having meetings posted online, in addition to being posting at the Post Office and on the
9 Commons bulletin board.

10
11 Urban adjourned the work session at 4:26 pm.
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17 _____
18 Ron Urban, Vice-Chair

Date

19
20 Minutes prepared by H H Anderson on November 19, 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.

3 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:

7
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.

30
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.

34
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.

39
40 Urban noted he has the record of the relevant dates associated with Commission actions sent to
41 Council should anyone want that information.

42
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.

47 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.

**YACHATS CITY COUNCIL
STEPS IN MAKING A MOTION**

A motion is the method by which new business would come before the City Council.

STEP 1: A MEMBER RAISES HAND and WAITS TO BE RECOGNIZED BY THE CHAIR.

STEP 2: THE CHAIR RECOGNIZES THE MEMBER.

CHAIR: - "MEMBER A"

STEP 3: THE MEMBER PROPOSES A MOTION.

MEMBER A:- I move that the Council have a picnic next Saturday from 1 p.m. to 6 p.m.

STEP 4: ANOTHER MEMBER SECONDS THE MOTION.

MEMBER B:- (without being recognized by the Chair) "I second the motion."
(second not necessary with Keesey or RONR small board rules)

STEP 5: THE CHAIR STATES THE MAIN MOTION.

CHAIR: "It is moved (and seconded) 'That the Council have a picnic next Saturday from 1 p.m. to 6 p.m.'"

Are you ready for the question?" -or- "Is there any debate (or discussion)?"

STEP 6: THE COUNCIL DEBATES THE MAIN MOTION

MEMBER(S) raises hand, and wait to be recognized. When recognized by the chair, debates the motion.

STEP 7: THE CHAIR TAKES A VOICE VOTE ON THE MOTION.

CHAIR: "Are you ready for the question -or- are you ready to vote on the motion??" (Pause for response) "The question to be voted on is the main motion, 'That the Council have a picnic next Saturday from 1 p.m. to 6 p.m.'"

Those in favor of the motion, say 'Aye.'" (Pause for response) "Those opposed, say 'No.'" (Pause for response).

STEP 8: THE CHAIR ANNOUNCES THE RESULT OF THE VOTE ON THE MAIN MOTION AND THE EFFECT OF THE ACTION.

CHAIR:- "The 'Ayes'(or 'Noes') have it and the motion is adopted (or lost). The Council will (will not) have a picnic next Saturday from 1 p.m. to 6 p.m. Is there any other new business?"

**YACHATS CITY COUNCIL
STEPS IN MAKING AN AMENDMENT**

An amendment is a motion used to modify the wording of a **pending** motion. The processes commonly used to amend are: To **insert** a word(s), to **add** a word(s) at the end, to **strike out** a word(s), to **strike out and insert** a word(s), and to **substitute** an entire sentence or paragraph of a motion.

ASSUME THE FOLLOWING ORIGINAL MAIN MOTION IS PENDING:
**"THAT THE COUNCIL HAVE A PICNIC NEXT SATURDAY
FROM 1 P.M. TO 6 P.M."**

STEP 1: A MEMBER RAISES HAND and WAITS TO BE RECOGNIZED BY THE CHAIR.

STEP 2: THE CHAIR RECOGNIZES THE MEMBER.
CHAIR: - "MEMBER A"

STEP 3: THE MEMBER PROPOSES AN AMENDMENT.

MEMBER A:- I move to amend the motion by inserting the words 'in the city park' after 'picnic.'"

STEP 4: ANOTHER MEMBER SECONDS THE AMENDMENT.

MEMBER B:- (without being recognized by the Chair) "I second the motion."
(not necessary with Keesey- or with RONR small board rules)

STEP 5: THE CHAIR STATES THE MAIN MOTION WITH THE AMENDMENT.

CHAIR: "It is moved (and seconded) to insert the words 'in the city park' after 'picnic.' If the amendment is adopted, the motion will read:
'That the council have a picnic in the city park next Saturday from 1 p.m. to 6 p.m.'"

Are you ready for the question?" -or- "Is there any debate (or discussion)?

STEP 6: THE COUNCIL DEBATES THE AMENDMENT.

MEMBER(S) raises hand, and wait to be recognized. When recognized by the chair, debate the amendment. (The original main motion is not debated at this step).

STEP 7: THE CHAIR TAKES A VOICE VOTE ON THE AMENDMENT.

CHAIR: "Are you ready for the question –or- are you ready to vote on the amendment?" *(Pause for response)* "The question to be voted on is amending the main motion by inserting the words 'in the city park' after 'picnic,' so that, if the amendment is adopted, the motion will read: 'That the Council have a picnic in the city park next Saturday from 1 p.m. to 6 p.m.' Those in favor of the motion, say 'Aye.'" *(Pause for response)* "Those opposed, say 'No.'" *(Pause for response)*.

STEP 8: THE CHAIR ANNOUNCES THE RESULT OF THE VOTE ON THE AMENDMENT. *(The motion to Amend requires a majority affirmative vote to be adopted)*
CHAIR: "The 'Ayes' have it and the amendment is adopted. The question is now on the motion 'that the Council have a picnic in the city park next Saturday from 1 pm. to 6 p.m.' Are you ready for the question?" –or- "Is there any debate on the main motion as amended?"

STEP 9: THE COUNCIL DEBATES THE MAIN MOTION AS AMENDED.
MEMBER(S) raises hand, and wait to be recognized. When recognized by the chair, debate the (now amended) main motion. *(The already adopted amendment is not debated).*

STEP 10: THE CHAIR TAKES A VOICE VOTE ON THE MAIN MOTION AS AMENDED. *(The motion requires a majority affirmative vote to be adopted)*
CHAIR:- "Are you ready for the question?" *(Pause for response)* *(Silence)*
"The question is on the adoption of the main motion as amended 'that the Council have a picnic in the city park next Saturday from 1 p.m. to 6 p.m.' Those in favor of the motion, say 'Aye.'" *(Pause for response)*
"Those opposed, say 'No.'" *(Pause for response)*

STEP 11: THE CHAIR ANNOUNCES THE RESULT OF THE VOTE ON THE MAIN MOTION AS AMENDED AND THE EFFECT OF THE ACTION.
CHAIR:- "The 'Ayes'(or 'Noes') have it and the main motion as amended is adopted (or lost). The Council will (will not) have a picnic in the city park next Saturday from 1 p.m. to 6 p.m. Is there further new business?"

If an amendment is not adopted, steps 9, 10 and 11 are completed using the original main motion (without the amendment) "that the Council have a picnic next Saturday from 1 p.m. to 6 p.m."

Name of Organization _____ Motion Number _____

MOTION FORM

Print clearly and press hard so all copies are readable.

I move that:

Maker – Print Name Clearly

Maker Signature and Date

Financial Impact: \$ _____

Budget Line Item: _____

Disposition:

- ☐ Adopted
- ☐ Lost
- ☐ Postponed Indefinitely
- ☐ Amended
- ☐ Referred to: _____
- ☐ Postponed to: _____
- ☐ Laid on the Table
- ☐ Withdrawn

NOTES:

CASE FILE: #1-CU-PC-17
DATE FILED: Oct. 17, 2017
DATE APPLICATION DEEMED COMPLETE: Nov. 7, 2017
120-DAY COMPLETION DATE: Mar. 7, 2018
HEARING DATE: Nov. 28, 2017
PREVIOUS ACTION: #1-CU-PC-14

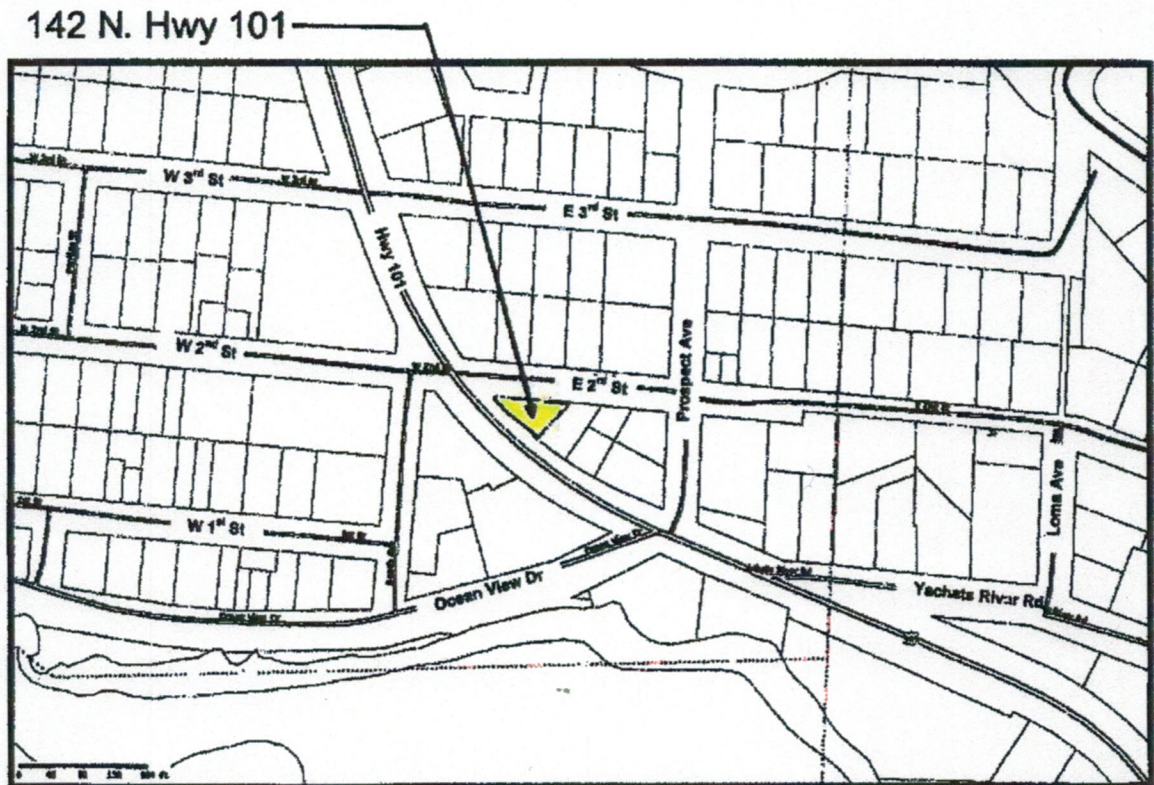
STAFF REPORT

Conditional Use Application

APPLICANT: Linda Hetzler

A. REPORT OF FACTS

1. Applicant's Request: The applicant is requesting a conditional use permit to add four (4) hotel units to an existing 15 unit hotel. A hotel on less than 1.0 acre is permitted in the C-1 Retail Commercial Zone upon approval of a conditional use. The four additional hotel units are proposed to be located on the second floor of an existing building that will be remodeled. The first level of the remodeled building is proposed to have the hotel office, laundry facilities for the hotel, and storage.
2. Property Location: The subject property is located at 142 N. Hwy 101 and described on the Lincoln County Assessor's Map as 14-12-27DA as Tax Lot 3500.



The existing 15 hotel units are located in the buildings on the same block, bounded by E. 2nd Street on the north, Prospect Avenue on the east, and Hwy 101 on the southwest side.

3. Zoning: Retail Commercial Zone C-1
4. Plan Designation: Commercial
5. Lot Size: The subject property totals approximately 3,280 square feet.
6. Existing Structures: The subject property has one existing two-story building. Previous uses included a laundromat, residence, and office space.
7. Topography and Vegetation: The subject property is generally flat. There is a significant drop off from E. 2nd Street on the north side of subject property.
8. Surrounding Land Use: Commercial uses (restaurants, retail, and hotel) are located in the immediate vicinity.
9. Utilities:
 Water & Sewer: City of Yachats
 Electricity: Central Lincoln PUD
10. Development Constraints: No development constraints are identified.

B. EVALUATION OF REQUEST

1. Relevant Yachats Municipal Code Standards (relevant to this application):

a. Chapter 9.28 C-1 Retail Commercial Zone

Section 9.28.010 Permitted uses.

In a C-1 zone the following uses and their accessory uses are permitted, subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

- B. Any use which would be permitted outright in any residential zone;
- C. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments;
- D. Personal or business service establishment such as barber or beauty shop, tailor shop or similar establishment;
- M. Restaurant, bar or tavern;
- N. Motel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with accessory commercial uses;

Section 9.28.020 Conditional uses.

In a C-1 zone the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

- I. Parking area;
- T. Motel, hotel or resort on less than 1.0 acre with accessory commercial uses;

b. Chapter 9.48 Off-Street Parking and Loading

At the time a structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless: (1) greater requirements are otherwise established; or (2) approved planned unit developments (PUDs) provide other parameters.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Planner, based upon the requirements of comparable uses listed.

- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the planning commission in the form of deeds, leases or contracts to establish joint use.
- D. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Parking spaces for non-residential uses shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.
- E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- F. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum city road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five feet in height where vision clearance is required.
- H. Perpendicular or diagonal parking spaces for commercial uses that are located along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.
- I. Any lights provided to illuminate any public or private parking area or sales area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.
- J. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.
- K. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this title may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- L. Off-street parking space requirements:
 - 1. Residential dwellings: Residential dwellings shall provide the following off-street parking spaces:
 - One-family dwelling, two spaces;
 - Two-family dwelling, four spaces;
 - Three-family dwelling, five spaces;
 - Four-family dwelling, six spaces;

Each additional unit, one and one-half space (rounded-up to the nearest whole number).

3. Motel, hotel or resort: one space for each guest accommodation.
9. Retail store: one space for each two hundred (200) square feet of floor area.
13. Eating and drinking establishments: one space for each one hundred (100) square feet of total floor area.

c. Chapter 9.72 Conditional Uses (relevant sections)

Section 9.72.010 Authorization to grant or deny conditional use permits

- A. In taking action on a conditional use permit application, the Planning Commission may either permit or deny the application. The Planning Commission's action must be based on findings addressing the requirements of the comprehensive plan and zoning ordinance, as addressed in Chapter 9.88 (Administration).
- B. In permitting a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the code, additional conditions which are considered necessary to protect the best interest of the surrounding city as a whole. These conditions may include, but are not limited to the following:
 1. Increasing the required lot size or yard dimensions;
 2. Limiting the height of buildings;
 3. Controlling the location and number of vehicle access points;
 4. Increasing the street width;
 5. Increasing the number of required off-street parking spaces;
 6. Limiting the number, size, location and lighting of signs;
 7. Requiring fencing, screening, landscaping, walls, drainage or other facilities to protect adjacent or nearby property;
 8. Designating sites for open space;
 9. Setting a time limit for which the conditional use is approved;
 10. Regulation of noise, vibration, odors and sightliness;
 11. Requiring surfacing of parking areas;
 12. Regulation of hours of operation and duration of use or operation;
 13. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purpose of the Yachats comprehensive plan;
 14. If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.

Section 9.72.040 Time limit on a conditional use permit.

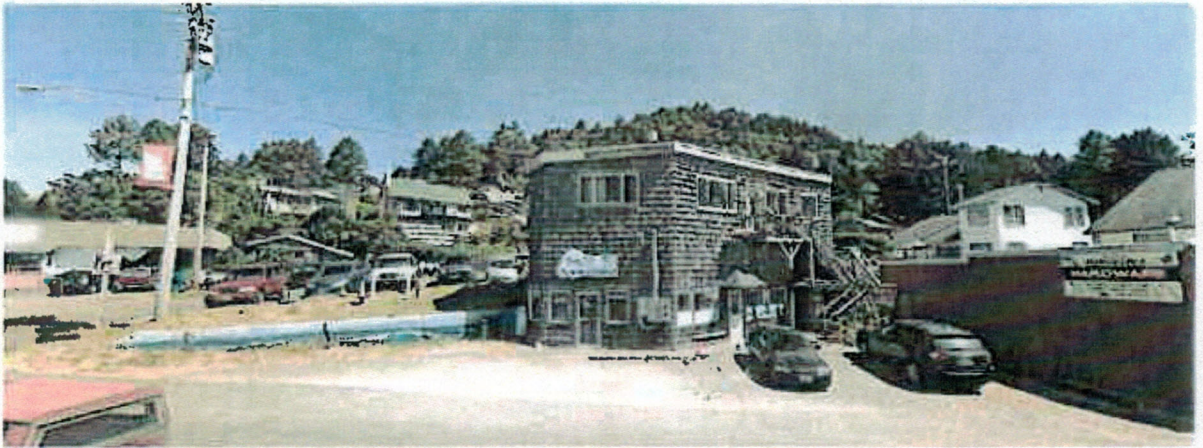
Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed six months on request.

3. **Public Testimony Received:** At the time this staff report was prepared the City had not received any written testimony.

C. STAFF ANALYSIS

1. The Request

The applicant requests a modification to a conditional use permit that was approved in 2014. The request is to include one adjacent property with one building (142 N. Hwy 101) as part of the Drift Inn Hotel. The building is proposed to include four (4) hotel units on the second level, an approximate 100 square foot office on the first level, and approximately 1,580 square feet for storage and for hotel laundering on the first level. The 2014 conditional use approval included 15 hotel units. This requested modification increases the hotel units to 19.



2. Recent Planning Commission Discussion with the Applicant

In August 2017 the applicant reviewed the Conditional Use permit and future plans with the Planning Commission. The Planning Commission acknowledged that two of the approved 15 hotel units are located in a different building than originally planned however the maximum 15 hotel units has been maintained. The applicant informed the Commission of plans to expand the hotel. The request to increase the number of hotel units requires review and approval by the Planning Commission through the conditional use permit process. Parking was discussed including the condition to remove the manufactured home on Tax Lot 3100 and add additional off-street parking. The applicant acknowledged that the parking and Tax Lot 3100 would be addressed with this application.

3. Parking

Per Yachats Zoning & Land Use Code Section 9.48, at the time a structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section. The number of parking spaces required for the proposed 142 N. Hwy 101 uses are identified in the table below.

Use	Parking Space Standard	Parking Spaces Required
4 Hotel Units	1 parking space/hotel unit	4.00
100 sq. ft. Office	1 parking space/300 sq. ft.	0.34
1,580 sq. ft. Storage/Laundry	1 parking space/600 sq. ft.	2.63
Total Parking Spaces Required		6.97 (Round up to 7)
Existing On-Site Parking Spaces		5.00
New Parking Spaces Required		1.97 (Round up to 2)

Overall Parking Summary

The 2014 Conditional Use approval identified the need for 20 off-street parking spaces. At that time 21 off-street parking spaces were provided. One additional on-site parking space was added later for a total of 22 on-site parking spaces. 142 N. Hwy has 5 on-site parking spaces.

Existing on-site parking spaces (22) including 142 N. Hwy 101 (5): 27

Existing on-site parking spaces required (20) plus 142 N. Hwy 101 (7): 27

The applicant demonstrated that on-site parking requirements were satisfied in the 2014 conditional use approval. At that time the applicant discussed the plan to remove the existing manufactured home on tax lot 3100 to create 12 additional parking spaces. That became a condition of approval, i.e. "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."

Since the on-site parking requirements are being satisfied, the applicant would like to maintain the manufactured home on Tax Lot 3100 in order to provide work force housing for her employees.



4. Proposed Walkway Encroachment in the E. 2nd Street Right-of-Way

The applicant proposes a 4' wide walkway providing access to the four hotel units that encroaches in to the E. 2nd Street right-of-way. The north side of the building is on the property line. The 2nd level of the building where the 4 hotel units are proposed are elevated above the street and adjacent right-of-way, as shown in the photo below.

When improvements are proposed to encroach into the public right-of-way, the Yachats Public Works Department reviews and makes a decision on the request. Public right-of-way encroachment requests are typically for ground-level improvements such as a paved driveway and culvert for drainage. Public Works primarily bases their decision on impacts to utilities and sight conditions. Public Works has reviewed and approved this encroachment request based on determination that existing utilities and sight lines will not be adversely impacted. Approvals to encroach into the public right-of-way are granted with the provision that if the public right-of-way is ever needed for public purpose, e.g. utility work, street widening, etc., the encroachment shall be removed by the land owner if determined necessary by Public Works.



D. CONCLUSIONS

If the Planning Commission finds the request does not satisfy the relevant criteria, it can move to deny the request. If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings. If the request is approved, staff offers the following recommended conditions of approval, which may be added to or amended at the Commission's discretion:

1. **Conditional Use Request.** This conditional use approval is based on the submitted plan, i.e. to amend the 2014 conditional use approval (Case File #1-CU-PC-14) by adding 142 N. Hwy 101 with four (4) additional hotel units, office, storage, and hotel laundry facilities. The hotel will have a maximum 19 units.

The four additional hotel units are proposed to be located on the second floor of an existing building that will be remodeled. The first level of the remodeled building is proposed to have the hotel office, laundry facilities for the hotel, and storage.

2. **Required Parking Spaces.** With the addition of 142 N. Hwy 101, a total of 27 on-site parking spaces are required for the Drift Inn Hotel and associated uses. A minimum of 27 parking spaces shall be maintained and located outside of the public right-of-way not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.
3. **Additional Parking Conditions.**
 - a. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
 - b. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum city road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public pedestrian facilities.
 - c. Off-street parking areas adjacent to residential uses shall be designed to minimize disturbance of residents. Where off-street parking areas are at or near the same grade as adjacent residences the applicant shall construct a sight-obscuring fence or sight-obscuring landscaping between the parking area and residential use.
 - d. Landscaped areas are encouraged within off-street parking areas to 'soften' the area and provide beautification.
 - e. Perpendicular or diagonal parking spaces for commercial uses that are located along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.
 - f. Any lights provided to illuminate any public or private parking area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.
4. **Proposed Walkway Encroachment in the E. 2nd Street Right-of-Way**

Yachats Public Works has reviewed and approved the request for the applicant to construct a 2nd level walkway per submitted plans that encroach into the E. 2nd Street right-of-way. The approval to encroach into the public right-of-way is granted with the provision that if the public right-of-way is ever needed for public purpose, e.g. utility work, street widening, etc., the encroachment shall be removed by the owner of 142 N. Hwy if determined necessary by Public Works.

Submitted by,
Larry Lewis
City Planner

YACHATS PLANNING COMMISSION

September 19, 2017

Regular Meeting Minutes

Chair Helen Anderson called the October 17, 2017 regular meeting of the Yachats Planning Commission to order at 3:01 pm in Room 1 of the Yachats Commons. Members present: Helen Anderson, James Kerti, Ron Urban, JD Deriberprey, Shelly Shrock, Ginny Hafner. Absent: none. Staff present: City Planner Larry Lewis. Audience: 1.

I. Announcements and Correspondence - none

II. Minutes

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

Commissioner Urban moved to approve the September 19, 2017 work session minutes and regular meeting minutes of the Planning Commission: Aye - 6; No - 0; Abstain - 1 (Orchard absent).

III. Citizen's Concerns - none

IV. Public Hearing - none

V. Planner's Report

Planner Lewis summarized the activity in his report.

VI. Other Business

A. From the Commission

Commissioner Shrock asked that the next regular meeting be moved to after Thanksgiving. Commissioners agreed to have the next regular meeting on November 28, 2017. Commissioner Deriberprey asked to receive the information on the conditional use hearing as soon as possible. Planner Lewis stated he would have the information one week prior to the meeting.

Lewis noted he prepares the staff report one week prior to meetings, but Commissioner do not always see the report until later. Commissioner Hafner wanted to be notified of when documents are available online. Commissioners and Lewis agreed that Lewis would scan and email the packet directly on the Tuesday prior to meetings.

Deriberprey noted he has people coming to his store asking questions about Planning Commission work. Commissioners noted ways to indicate to people that matter cannot be discussed outside of the meeting, and noting ex parte conversations only need to be recorded at public hearings.

Commissioner Urban noted Anderson and Deriberprey have terms ending in December 2017. Commissioner Orchard suggested the City advertise the openings. Urban noted the Commission recommends applicants to the Council, but the decision to appoint is the Council's.

B. From Staff - none

With no further business before the Commission, Anderson adjourned the meeting at 3:12 pm.

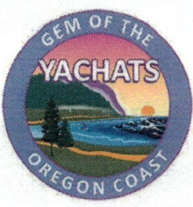
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Helen Anderson, Chair

Date

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

DRAFT



CITY OF YACHATS

PO Box 345 (441 N. Highway 101), Yachats OR 97498

Phone (541) 547-3565

Fax (541) 547-3063

Relay Oregon 800-735-2900 (TDD)

November 7, 2017

NOTICE OF PUBLIC HEARING

Yachats Planning Commission

Applicant: Linda Hetzler

**Public Hearing Date
and Location:**

A public hearing will be held with the Yachats Planning Commission **Tuesday, November 28, 2017, 3:00 p.m.** at the Yachats Civic Meeting Room, Yachats Commons, 441 N. Highway 101, Yachats, OR.

Site Location:

The subject property is located at 142 N. Hwy 101 and described on the Lincoln County Assessor's Map as 14-12-27DA as Tax Lot 3500.

**Proposed Development
Action:**

The applicant is requesting a conditional use permit to increase a hotel from 15 units to 18 units. The existing 15 hotel units are on contiguous lots. A hotel on less than 1.0 acre is permitted in the C-1 Retail Commercial Zone upon approval of a conditional use.

Applicable Criteria:

Yachats Municipal Code, Title 9 Zoning and Land Use

- Chapter 9.28 Retail Commercial Zone C-1
- Chapter 9.48 Off-Street Parking and Loading
- Chapter 9.72 Conditional Uses

Contact:

Larry Lewis, City Planner (541) 547-3565

A copy of the application, all documents and evidence submitted by or on behalf of the applicant, applicable criteria, and other relevant information are available for inspection at no cost, and copies can be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost seven days prior to the hearing, and copies can be provided at reasonable cost.

Written comments may be submitted to the City of Yachats at 441 N. Highway 101, Yachats, OR or mailed to P.O. Box 345, Yachats, OR 97498. The deadline for submitting written comments is Tuesday, November 28, 2017, 2:00 p.m. Written testimony received prior to the deadline will be forwarded to the Planning Commission. The public may provide oral testimony at the November 28, 2017 public hearing.

Failure to raise an issue in person or by letter, or failure to provide statements or evidence sufficient to allow the decision-maker an opportunity to respond to the issue precludes appeal to the land use board of appeals based on that issue.-

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	Geo report received 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
10/17/17	Conditional Use Permit	Linda Hetzler	14-12-27DA/3500 142 N Hwy 101	C-1	Modify conditional use to add 4 hotel units	Pending 11/28/17 Planning Commission mtg
11/7/17	Building Permit	Linda Hetzler	14-12-27DA/3500 142 N Hwy 101	C-1	Remodel existing building	Pending Public Works approval and 11/28/17 Planning Commission mtg
11/14/17	Building Permit	Koho Oregon	14-12-27DD/ 24 Basalt Lp Koho PUD	R-4	New single family dwelling	Approved 11/21/17
11/14/17	Building Permit	Koho Oregon	14-12-27DD/ 25 Basalt Lp Koho PUD	R-4	New single family dwelling	Approved 11/21/17
11/14/17	Building Permit	Koho Oregon	14-12-27DD/ 26 Basalt Lp Koho PUD	R-4	New single family dwelling	Approved 11/21/17
11/14/17	Building Permit	Koho Oregon	14-12-27DD/ 27 Basalt Lp Koho PUD	R-4	New single family dwelling	Approved 11/21/17
11/20/17	Building Permit	Dave Danielson	14-12-22DD/803 243 Lemwick Ln	R-2	Living area and garage addition	Approved 11/21/17

YACHATS PLANNING COMMISSION

November 28, 2017

Work Session Minutes

Vice-Chair Ron Urban called the November 28, 2017 work session of the Yachats Planning Commission to order at 2:00 pm in Room 3 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Shelly Shrock, Ginny Hafner, Christine Orchard. Absent: JD Deriberprey, James Kerti. Audience: 3.

I. Handbook for new Commissioners

Commissioner Anderson noted the need to have some handbook for new Commissioners.

II. Parliamentary Procedure

Commissioners discussed the procedure for making a motion during a regular meeting. Anderson reviewed what the parliamentarian presented at her workshop. Commissioners reviewed the process to make an amendment to a motion. The process is that a motion is made, an amendment is offered, a vote is taken on the amendment, then discussion resumes on the original motion (if amendment not approved) or the amended motion (if the amended is passed).

III. Light Industrial Definition

Anderson indicated she saw the attorney as asserting the definition and standards were combined in the Commission's definition. Commissioner Urban added that square footage of the building was of primary importance. He believed large buildings go against the character of the City. Planner Lewis noted the Dollar General building is around 7,500 square feet, and that Waldport and Depoe Bay do not have limitations on building sizes, but they do have light industrial zones. Urban stressed that Yachats' C-1 zone is primarily along Highway 101.

Commissioners agreed to the following definition of light industrial:

A business that manufactures, fabricates, or assembles goods and that occupies less than 6,000 square feet.

Commissioners discussed requirements on parking location. Anderson noted Code section 9.48.010 General Requirements on Parking and Loading presents parking requirements by business type and suggested they could include light industrial in that list. Lewis noted common practice is to specify one space for every 600 square feet of building size. Lewis also noted section 9.48.010(K) specifies businesses must "provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use."

Commissioner Orchard noted the proposed definition does not actually indicate what makes an industry "light." Commissioners discussed the attorney's comment that a definition is not needed and what criteria were part of a definition versus a standard. Lewis noted the distinctions between limiting types of light industrial and the appearance of structures. He believed the current proposal for inclusion of retail area needed strengthening. Urban clarified that the 6,000 square foot building size would apply to light industrial uses, not to the entire commercial zone. He noted an example of an hotel that might occupy more than 6,000 square feet.

Anderson asked Lewis if the 6,000 square feet restriction was likely be challenged. Lewis suggested tying light industrial to a retail use rather than establishing a category of light industrial use. Commissioner Shrock noted a shoe manufacturer that is also a retail store in Philomath.

Anderson recalled the previous discussion about the inclusion of retail space was made with the intent of prohibiting a facility that is entirely industrial. Urban noted Section 9.72.050 is where standards would go. The Commission could add a section F to address:

1. Dedicated retail space
2. Parking location – back or side
3. Loading/unloading in the back
4. Industrial part will be indoors/enclosed
5. Screened outdoor storage

Urban noted the only conditional use allowed in C-1 is light industrial. No mention is made of other types of industrial use. Commissioners discussed whether to add a statement prohibiting industry other than light industrial. Orchard confirmed Urban's suggestion in that 9.28.020 stipulated permitted conditional uses in C-1, thereby prohibiting anything that is not identified in 9.28.020.

Shrock raised the issue of developing architectural standards that reflect the culture of the community. Anderson speculated that the process of setting up a subcommittee to establish architectural standards and getting that approved by Council would take much longer to enact than establish standards for light industrial in Section 9.72.

Anderson tried to articulate the questions the Commission had about how the interaction with the City Attorney would proceed. Manager Beaucaire indicated Commissioners could read attorney feedback on their questions. She was satisfied with having the Commission give to her proposed language or questions, her sending that to the attorney, and her then providing the attorney's feedback to the Commission. Commissioners were emphatic about wanting to see attorney feedback. Urban indicated he was not comfortable with the process of how the attorney was involved with the implantation of the formula business regulations. Urban argued the Planning Commission should be able to determine the regulations for the City.

Manager Beaucaire indicated she believed the Commission should be the voice of the community. She noted the attorney could be used to help the Commission with language, interpretations, or direction. She did believe the attorney should look at the final language to determine if there might be some issue with Oregon law or the court system. She concurred all of these steps would go between herself and the Commission.

Anderson suggested she and Lewis draft language for the standards and present at the next work session.

IV. Sign Ordinance

Hafner asked that the next work session be focused on the sign ordinance, with a short discussion of the proposed light industrial language. Anderson stated she thought the Waldport ordinance was much clearer than the Yachats code, and suggested they start with the Waldport code. Lewis noted he had created a table of differences and changes between old and new code. Anderson asked Lewis to forward that table to Commissioners ASAP.

Urban adjourned the work session at 3:00 pm.

1	Ron Urban, Vice-Chair	Date
2		
3	Minutes prepared by H H Anderson on December 10, 2017.	