1. Agenda

    Documents:

    9-18-18_PC_AGENDA.PDF

2. Meeting Materials

    Documents:

    DRIFT_INN_PARKING.PDF
    BLDG_PERMIT_9-11-18.PDF
    EXTERIOR_LIGHTING.PDF
    DRAFT_08-28-18_PLANNING_MINUTES.PDF
    DRAFT_07-17-18_PLANNING_WORK_SESSION_MINUTES.PDF
    DRAFT_08-21-18_PLANNING_MINUTES.PDF

3. Work Session Minutes

    Documents:

    2018-09-18 PLANNING WS MINUTES.PDF

CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

TUESDAY, SEPTEMBER 18, 2018: 2 PM WORK SESSION;
3 PM REGULAR MEETING

WORK SESSION AGENDA

A. Exterior Lighting - Trespass Light
B. Drift Inn Parking

REGULAR MEETING AGENDA

I. Announcements and Correspondence
II. Minutes
    A. Special Meeting and Work Session – August 28, 2018
III. Citizen's Concerns
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: October 16, 2018 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: September 12, 2018

September 11, 2018

To: **Yachats Planning Commission**

From: **Larry Lewis, City Planner**

Re: **Drift Inn Parking**

The Planning Commission requested an evaluation of parking at the Drift Inn. The request originated because outdoor seating has been added to the restaurant and it appears construction of the former laundromat will result in less than five on-site parking spaces.

Staff estimates that the outdoor seating occupies approximately 600 square feet. Eating/Drinking establishments require one parking space for every 100 square therefore six parking spaces would be required.

It appears that three, maybe four, parking spaces will be available at the former laundromat when construction is completed.

The 2017 conditional use approval identifies that 27 parking spaces were required and 27 parking spaces were provided. That includes five spaces at the former laundromat.

The addition of the outdoor seating adds six spaces for a total of 33 required parking spaces whereas approximately 25 spaces will be provided when the former laundromat is completed. That leaves a deficit of 8 parking spaces.

City of Yachats
2018 LAND USE / BUILDING PERMIT ACTIVITY

For the Period August 18, 2018 through September 11, 2018

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
8/22/18	Building Permit	Doug Rawson	14-12-34AD/2200 112 Greenhill Dr	R-1	Repair foundation	Approved 8/22/18
9/11/18	Property Line Adjustment	Marilyn Kennelly	14-12-27AA/1310 & 1311 231 & 245 Aqua Vista Lp	C-1	Property line adjustment to resolve building encroachment	Pending surrounding property owner notification

Yachats Municipal Code

Section 5.08.165 Exterior lighting.

A. Exterior lighting shall not be directed from the property of the owner onto private residential or commercial property, streets, parklands, or other public properties.

B. Non-directional porch lights of one hundred (100) watts or less are not affected by this provision. For the purposes of this code section, a directional light is one that by means of a lens, reflector or other means directs the light in a desired direction.

C. Where a public safety concern can be demonstrated, the City may grant exceptions.

D. Adjacent commercial property owners may have shared lighting so long as the property of others is not affected.

YACHATS PLANNING COMMISSION
SPECIAL MEETING
August 28, 2018

Draft Minutes

Chair Helen Anderson called the August 28, 2018 special meeting of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Ginny Hafner, Mary Ellen O'Shaughnessey, Shelly Shrock, Lance Bloch, and James Kerti. Absent: none. Staff present: City Planner Larry Lewis. Audience: 2.

I. Announcements and Correspondence

Anderson referred to a letter from Jacqueline Danos and suggested the Commission had already incorporated her requests to modify Goal J in the Comprehensive Plan. Commissioner Urban noted the Commission had not completely removed Section 6 as she requested. Anderson recalled the Commission agreed to remove the first three paragraphs under Section 6, but leave the last paragraph beginning with, "The City strongly encourages developers to make government assisted housing…" She added that the Commission also agreed to add, "in particular the housing needs of local workers" to the end of the first sentence of the Goal J statement. Urban added that Danos' point about how the statement might be used.

II. Discussion of Sign Ordinance

1. Sign size in higher speed zones: Anderson suggested the Commission consider the speed of traffic in front of the Overleaf, as Drew Roslund noted, and that impact on sign readability. Urban proposed for to add a stipulation in section 9.44.040.B.2.b as follows:

> For properties over 300 linear feet of street frontage, the Planning Commission may grant a waiver of provision 9.44.070 of this Code for pre-existing nonconforming sigs as of INSERT EFFECTIVE DATE.

This statement should be placed as condition d under 9.44.040.B.2.b.3 Monument signs. Commissioner Kerti noted the existing sign code allows for signs of 100 square feet on the larger properties. Commissioners discussed the pros and cons of reducing size, noting the proposed code limits sign heights. Kerti suggested the Adobe and Overleaf signs seem appropriate for those lots. Commissioners posed arguments for both approaches, noting there are seven lots north of the Village Bean that could fall into this 300 linear feet section. Commissioners agreed the approach to grant an exception to 9.44.070 would be better than changing the maximum sign size of 50 square feet.

2. Linear feet of street frontage: Commissioners agreed to add a definition for street frontage as referenced for sign requirements as follows:

> "Liner feet of street frontage" is defined as the contiguous tax lots under single ownership on which the business is located.

3. Free standing signs: Commissioners discussed the differences between monument signs, pole signs, and free-standing signs. Commissioner Shrock noted there are different elements to the Adobe sign, and it was not clear as to what is counted as a sign. Lewis noted the base and sign are separate components per the definition of monument signs. Lewis noted that the definition of Monument sign indicates the sign have a solid base that is at least 75% of the sign width but also could be supported by multiple posts. Commissioners discussed whether a two pole sign could be a monument sign and how one should define what constitutes a base. Lewis suggested removing "monument" from the permanent free-standing section would correct the potential conflict.

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To maximize applicability, Commissioners agreed to change “Monument signs” to “Free-standing signs” in section 9.44.040.B.2.b.3.

Commissioners agreed to keep “monument sign” in the definitions.

4. Vacancy signs and internally lit signs: Anderson recalled the Commission had discussed allowing businesses to have vacancy and/or open signs. Commissioner Bloch noted lodging places often use “no vacancy” as a way to indicate the office is closed. Anderson recalled the Commission had discussed allowing neon signs for open signs. Kerti and Hafner also recalled the discussion on this topic. Urban noted the limitation on internally lit signs is in 9.44.040.B.2.a.3, which means it only applies to building signs.

Commissioners agreed to move the internally lit limitation from 2.b.3 to 1.e so that 9.44.040.B.1.e reads:

> e. The maximum amount of internally lit signs shall be limited to a total of 24 square feet.

Commissioners agreed to add a statement about open/closed signs to building signs in section 9.44.040.B.2.a.3 to read:

> 3) Open sign. One open/closed sign is allowed up to two (2) square.

Commissioners discussed how to allow vacancy signs on free-standing signs and agreed to add to 9.44.040.B.2.b.3.e:

> e. One internally lit vacancy/no vacancy sign per free-standing sign is allowed in addition to the size limits in 9.44.040.B.2.b.3.b and 9.44.040.B.2.b.3.c.

5. Digital Sign definition: Urban recalled an electrician had suggested that the reference to “LED sign” in the definition of digital signs. Kerti stated his research indicated the term was appropriate to the definition based on the research he conducted. Commissioners agreed the language was not essential for the definition, so it could be eliminated.

6. Permits for temporary signs: Urban recalled the question of whether permits are required for temporary signs. Kerti suggested that language be added to the temporary sign section to make the requirement clearer. Commissioners agreed to add “without a permit” as follows to 9.44.050:

> In addition to the allowances for signs provided by this section, temporary signs are allowed on private property without a permit with the following standards:

III. Continuation of Public Hearing on 9.44 Signs

Anderson reopened the Public Hearing on code amendments for Chapter 9.44 Signs.

Kerti asked Anderson to read the changes that were discussed today. Anderson read the agreed upon changes.

Anderson opened the public testimony portion of the hearing.

Leslie Vaaler (205 Radar Road) noted the Roslund from the Overleaf had compelling resons for allowing for larger signs in the higher speed zones. She suggested the Commission could consider incorporating the speed limit in relation to sign size in the code. She also suggested the allowable size of the open/closed signs might also be tied to property size. Vaaler was concerned about there being no limits on sign brightness.

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Andrew Doremus (285 Hill Court) indicated he had a different interpretation of the 300 linear feet, as he would interpret the definition of linear feet of frontage to include empty lots. He also did not agree with the prohibition of LED lights in the digital sign code. He believe the language was conflating a technology for generating light with the definition of a type of sign, arguing that LED lights are some of the most energy efficient ways of generating light.

Urban asked Doremus if he had a better definition. Doremus suggested the Commission better define what they are trying to accomplish.

Anderson explained and open/closed sign could be part of the 50 square feet allotted for a free standing sign and the lighting issue would be addressed when the Planning Commission took up trespass lighting in the Code. Kerti noted the definition states the light source is used "to produce an illuminated image, picture, or message of any kind…," thus the definition focuses on producing the image versus illuminating the image.

Anderson closed the public testimony portion of the hearing.

Lewis noted the definition of Size needs to be moved to before Temporary Sign.
Shrock moved to approve the draft of Chapter 9.44 Signs as amended and to forward to Council for adoption as an ordinance: Aye – 7; No – 0.

Anderson closed the public hearing on 9.44 Signs.

III. Citizen's Concerns - none
IV. Public Hearings - none

V. Other Business

A. From the Commission

Bloch asked if the Commission was going to provide Mr. Connor with an update on the code changes relative to his request from the Planning Commission. Lewis noted the public hearing would be in October. Commissioners consented for Anderson to send Mr. Connor an update on the proposed code.

B. From Staff - none

Anderson adjourned the meeting at 3:51 pm.

_____ _____
Helen Anderson, Chair Date

Minutes prepared by H H Anderson on September 11, 2018.

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YACHATS PLANNING COMMISSION

July 17, 2018

Work Session Draft Minutes

Vice-Chair Ron Urban called the July 17, 2018 meeting of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Mary Ellen O'Shaughnessey, Ginny Hafner, and James Kerti, Shelly Shrock. Absent: none. Staff present: City Planner Larry Lewis. Audience: 3.

I. Certificate of Occupancy and Business Licensing

Anderson explained she drafted a memo to Council based on the City Attorney's feedback with Option A being requiring a certificate of occupancy as part of getting a license and Option B as enabling the City to revoke a license if a certificate was not obtained. She interpreted the Attorney's feedback to be saying there was potential liability for the City to require a certificate of occupancy as part of business licensing in the event of a business not getting the certificate and someone subsequently getting hurt, as it would be the City's responsibility to see the license was obtained. She noted he suggested they could alternatively put language in the Code to have a lack of a certificate being a reason for revoking a license. Commissioner O'Shaughnessey noted that is was hard to take something away once someone has obtained it. Commissioner Kerti suggested the language of Option B could allow for not issuing the license, but Option A is more direct for that approach.

Urban asked why Anderson was not recommending the Option B that the Attorney seemed to be recommending. He noted how the Attorney had previously challenged the language and work of previous Commission proposals such as with the formula business and light industrial language. Anderson explained she saw the Attorney as preferring Option B because of potential liability with Option A, and she did not agree that the liability in Option A was such a risk. Urban thought it would be more prudent to follow the Attorney's advice.

Anderson read the section of the Attorney's email explaining the liability involved in Option A. Anderson did not believe the Attorney was strongly against Option A. Commissioner Hafner asked if the City would be liable for an accident that occurred in the business that was operating without building permits. Kerti suggested the City would have liability in both approaches. O'Shaughnessey agreed that the City could have liability for any unpermitted area where an accident occurs.

Kerti did not read the Attorney's comments as an outright endorsement of Option B. Kerti also referred to the comment that Option B would be turning the requirement from an application issue into an enforcement issue and noted the City has not had consistent code enforcement in recent times.

Anderson stated she was not clear in explaining to Commissioners that draft was her first attempt of a draft and not reflective of what the Commission had decided. She also noted that she had talked to Clerk Kimmie Jackson who oversees the licensing process, and Jackson was in favor of having the certificate be part of the licensing documentation.

Urban wanted clarification on why the Planning Commission was addressing this topic. Anderson indicated it was because of the Farm Store operating without a license. Commissioners noted it was uncertain as to whether other businesses were operating in buildings not up to code. O'Shaughnessey suggested the County provide the evidence of occupancy. Anderson argued it would be easiest on City staff to have the business owner provide the information. Anderson noted

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that once the certificate was on file with the City, the owners would not have to resubmit it unless they made significant changes to the building. Lewis agreed that it would be better to not issue licenses to businesses without proper permits.

Commissioners discussed the pros and cons of asking the County to provide the certificates versus having the owners provide the certificates, and Anderson noted there are over 400 business licenses in the City. Anderson asked Code Enforcer Quinton Smith how he would address a business operating without building permits, noting the citation would give the violator time to remedy the situation. Anderson noted Chapter 1.12 of the code outlines the process of issuing citations.

Urban had concerns about the reasons for the Commission to take up this matter and how a viable business could get the certification to meet code requirements. Hafner wanted clarification on the responsibilities of the City versus the County. Lewis explained the County issues and oversees the building permits. He noted the County makes the first few attempts to ask a business to correct the violation, and then the matter gets turned over to the City to manage.

Anderson asked if Commissioners would prefer to have the memo indicate there are two options to address the certificate of occupancy matter rather than to state a preference for one. O'Shaughnessey asserted the Commission should make a recommendation if it had a clear preference.

Urban wanted to see that there were ways for a business in violation to get compliant without closing them down. Anderson agreed that there should be avenues to allow time to get compliant. Anderson noted there are actually two businesses in current violation of getting building permits. Lewis noted how the Farm Store has continually delayed and made excuses for not working to get compliant, and he would welcome stronger code to force the business to take the matter seriously. O'Shaughnessey suggested it was common sense that a certificate be required so it was not really about one businesses action.

O'Shaughnessey suggested the memo be phrased in a more positive way. Anderson suggested they could add a statement about allowing businesses to have a period of time to bring violations into compliance. O'Shaughnessey raised the issue of businesses renting space from an owner who does not have records of certificate of occupancy. Lewis noted the record should be on file with the County. O'Shaughnessey suggested a year would be reasonable.

II. Accessory Dwelling Units and Types of Dwellings (Stick Built, Tiny Homes, Manufactured Homes, Pre-Fabricated Structures)

Anderson explained she asked this topic to be on the agenda as there was confusion at the previous meeting about the classifications. Lewis noted the ability to have a Tiny Home depends on how it was classified:

- If classified as recreation vehicle, they are not permitted.
- If classified as manufactured home, they are not permitted, as manufactured homes must be multi-sectional.
- If classified as a stick built home, they would be permitted, as the city has no minimum size requirement on a stick built home. The County does have minimum size requirements for living, sanitation, and kitchen areas, which roughly totals 220 square feet. A permanent prefabricated structure is allowed (sections manufactured off site and assembled as permanent structure on site).

Anderson asked if a Tiny Home could be a type of accessory dwelling unit. Lewis said a Tiny Home could be an ADU if it were stick built and not a recreational vehicle or manufactured home.

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Urban explained there is pressure to allow for more affordable, higher density housing. Hafner clarified the Planning Commission had previously sent a memo to Council recommending that apartment or town homes was a more appropriate approach to affordable housing rather than Tiny Homes.

III. ADU Draft Ordinance

Urban stressed the importance of not allowing loopholes. Commissioners discussed the three listed options of "interior, attached, or detached."

Urban adjourned the work session at 2:55 pm and suggested reconvening after the regular meeting.

Urban reopened the work session at 3:30 pm.

Lewis explained classifying an ADU as a conditional use would require Planning Commission approval where as outright use would enable building without Planning Commission approval.

Kerti suggested the Commission get public input on whether ADUs are desired. Hafner did not want to allow ADUs where density was already high. Anderson noted the minimum lot size for a dwelling unit is 7,500 sf, so the Commission could require that a lot size be double that, or 15,000 sf, if the owner wanted to add an ADU. Commissioners agreed a maximum of one unit should be allowed in an R-1 zone. Lewis noted some communities have seen owners building a detached ADU and having interior space within the primary dwelling.

Commissioners returned to the principal that the most practical way to create affordable housing is Yachats is through apartments. Lewis discussed some of the ways other cities are using to encourage apartment-type developments.

Lewis noted in the R-2 zones, duplexes are allowed, but the units must be attached. Anderson suggested they could allow a maximum of two dwelling in R-2, so that if there was already a duplex, an ADU could not be added. However, if there was only a single-family home, an ADU could be added.

Commissioners discussed the practicality of getting too detailed about regulations without getting further direction either from the public or the Council. Anderson wanted the Council to give the Commission specific direction to allow ADUs in R-1 before the go further on regulations around that allowance. Kerti was not certain ADUs would be affordable. Commissioners agreed there needed to be incentives for a developer to build affordable apartments. Kerti noted the State did not impose the allowance of ADUs in smaller cities, which indicates there are reasons why the requirement might not be appropriate to smaller communities.

Commissioners discussed how to reply to the Council's request to look into the possibility of having ADUs. Anderson indicated she would draft a memo to be discussed at the next work session.

IV. Clear Vision Standards

Anderson explained this issue arose when Doug Connor asked about hedge height in the yard setback area. The City Attorney noted the language on limiting fence, hedge and wall heights in the required yard setback area was in the wrong section of the code. In the current location of 9.52.030, it only applies to "accessory uses," and it needs to apply to all uses. Lewis noted the proposed language for Chapter 9.64 would apply everywhere in the City. Anderson asked if the clear sight area should apply to driveways as well as streets, noting Chapter 9.64 is directed at two

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intersecting streets. Anderson suggested the Commission continue this discussion at the next work session.

Urban adjourned the work session at 3:58 pm.

_____ _____

Ron Urban, Vice-Chair Date

Minutes prepared by H H Anderson on August 14, 2018.

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YACHATS PLANNING COMMISSION

August 21, 2018

Draft Minutes

Chair Helen Anderson called the August 21, 2018 meeting of the Yachats Planning Commission to order at 3:02 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Ginny Hafner, Mary Ellen O'Shaughnessey, Lance Bloch, Shelly Shrock, and James Kerti. Absent: none. Staff present: City Planner Larry Lewis. Audience: 3.

I. Announcements and Correspondence - none

Anderson welcomed the newest Planning Commission, Lance Bloch

II. Minutes

A. July 17, 2018 Work Session Meeting

Page 1, Line 8: the "and" should be between Kerti and Shrock
Page 1, Line 20: delete "is" before "was"
Page 3, Line 8: "townhomes was" should be "townhomes were"
Page 3, Line 25: "is" should be "in"
Page 3, Line 25: "principal" should be "principle"
Page 3, Line 36: "the go further" should be "they go further"

Commissioner Shrock moved to approve the July 17, 2018 work session minutes as amended: Aye – 6; No – 0; Abstain – 1 (Bloch not present).

B. July 17, 2018 Regular Meeting

Commissioner Urban moved to approve the July 17, 2018 Planning Commission meeting minutes as presented Aye - 6; No – 0; Abstain – 1 (Bloch not present).

III. Citizen's Concerns - none

1. Layne Morrill (628 Radar Road) announced construction has begun on the townhomes on the north end of town and he has forms for employees and business owners to get their names on the list for new units. He noted this form is for indicating interest, and the person would be notified when applications could be submitted.

2. Douglas Conner (490 Lemwick Lane) stated the Comprehensive Plan states that the scenic environment is one of the most valuable resources in Yachats. Connor passed out photographs of a hedge blocking his view on the west side. Connor suggested blocking this view in this area was a violation of the intent of the Comprehensive Plan Goal A. He also suggested Goal A was not addressed in language in Title 9 of the Yachats Municipal Code. He asked for adding code to limit the height of hedges, fences, and walls.

IV. Public Hearings

Anderson indicated she would read the required questions for all hearings at once.

A. Case File 2-PAR-18 2-lot Partition Application Elk Mountain Properties

1. No one objected to the jurisdiction of the Commission to hear this matter.
2. No Commissioner wished to abstain from the process.
3. Disclosures: Commissioner Urban reported he spoke with a previous Planning Commissioner to get background on the development of the PUD and can proceed without bias.
4. The Commission has been give all testimony submitted to date.

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5. Commissioners felt they had adequate time to review the materials submitted.

Lewis summarized his staff report in the meeting packet and described the hearing process.

Anderson opened the public testimony portion of the hearing and invited Layne Morrill to present his case.

Morrill stated the intent of this application is to establish two parcels for the indicated section so that one parcel may be conveyed to another owner.

Public Testimony:

1. Russell Styles (311 E 2nd Street) asked if this section of property would have two points of egress.

2. Robert Curtis (1955 Grinder St, Eugene, owner of 6 acres Peterson Rd property) stated the Fisterra properties would impact his property by allowing three-story structures, which would significantly impact the view from the lower portion of his property. He asked that code be followed to preclude any further impact on his property.

Shrock asked for explanation on the conveyance. Morrill explained the conveyance was to the former owner of the parcels based on an agreement that if he did not meet a certain development date, he would reconvey the property back to the original owner.

Morrill responded to Styles that the hillside nature of the property did not allow for multiple egresses on the lower half of the parcels. He noted the upper parcels do have a means to connect with Elk Mountain Road, and cannot be engineered to connect with the lower parcels. Anderson asked if the easements to Elk Mountain Road were in place. Morrill suggested owners of the properties between the parcels and the current end of Elk Mountain Road will provide access for the road to go through.

Morrill responded to Styles that there was a public hearing on the Fisterra Apartments where he was allowed to have three story buildings provided they were affordable housing.

Styles asked if any survey of traffic flow had been done for the upper parcels and the proposed access. Lewis noted this topic was not relevant to the current public hearing.

Anderson closed the public testimony portion of the hearing.

Anderson summarized that the decision before the Commission concerned only the combining of the seven parcels into two parcels. Anderson clarified with Lewis that there were three parcels between the area under discussion for the hearing and the dead end of Elk Mountain road.

Lewis explained the Commission was given the entire PUD application for background, as this hearing is technically a modification of the PUD. Urban noted he found numerical errors in sections that were not relevant to the current hearing. Bloch noted he saw that the entire PUD involved 22.82 acres, but the two proposed parcels were for 8.43 and 12.37 acres, leaving 2.02 acres unaccounted for. Block asked if these two acres were where the current construction and Fisterra Apartments were. Morrill indicated those were the two acres so the current proposal is only for the remaining land.

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Hafner moved to approve the parcel adjustment as presented in the application with the two conditions specified in the staff report and to prepare the finding for the Chair's signature: Aye – 7; No – 0.

B. Title 9 Zoning and Land Use Amendment – Light Industrial Uses

Lewis summarized the proposed changes to incorporate a definition and standards for light industrial usage as follows:

Add to 9.44.030 Definitions: "Light industrial" means a business than manufactures, fabricates, or assembles goods and that occupies less than 6,000 square feet."

Add item T to 9.28.020 Conditional Uses: T. Light industrial

Add number 14 to 9.48.010 General Requirements, L. Off-street parking requirements: 14. Light industrial: one space for each six hundred (600) square feet of total floor area.

Add item G to 9.72.050 Standards:

G. Standards for light industrial.

1. Manufacturing, fabricating, or assembly shall occur within an enclosed building.
2. Goods manufactured, fabricated, or assembled shall be offered for retail sale on the premises with dedicated retail space occupying a minimum of 20% of the building.
3. Outdoor storage shall be on the side or the rear of the building, and shall be screened with a sight-obscuring fence, hedge or wall.
4. Employee parking and loading shall be located on the side or rear of the building.

Anderson recalled there was a reference to light industrial in the code but there was no definition. She added that the Commission decided to make the use conditional rather than outright use and the parking required is standard for this use.

1. Jacqueline Danos (116 Spring Hill Road) asked if the appearance of the building would be addressed. She suggested parking based on square footage might be overkill. She also noted that the current proposal allows for retail parking in the front, and she believed the building is more appealing if parking were not out front. Danos asked if there were any additional requirements for water usage, given that industrial use often requires more water.

2. Leslie Vaaler (205 Radar Road) noted that the proposed code specified the work being an enclosed building and asked if noise or odor issues were considered.

Urban recalled odors and noise were discussed and noted the conditional use means anyone wanting to engage in industrial use would have to come to the Planning Commission who could then address water, noise, and odors.

Anderson noted the issue of architectural standards has arisen over several issues that have come before the Planning Commission. She added establishing architectural standards is on the to-do list for the Planning Commission.

Lewis added that 9.72.010.B identifies issues to be addressed for the conditional use, which includes the regulation of noise, odors, vibration, and sightlines.

Urban moved to forward to the City Council the proposed Code amendments for Light Industrial use: Aye – 6; No – 1 (Bloch).

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Bloch noted noise issues have come up around multiple issues and yet the Code does not specify what is too much noise. He suggested the Commission was introducing a new area in which this issue could arise again.

C. Title 9 Zoning and Land Use Amendment – 9.44 Signs

1. Drew Roslund (Overleaf and Fireside) was concerned about the size requirement for the 300 feet of frontage that use to be up to 100 square feet. He estimated there were five properties that would be impacted and argued these properties need visibility, especially with the speed limits by the Overleaf and Fireside. He believed their signs were externally lit and made of natural materials that blended in that environment. He noted at the higher speeds, drivers need more time to decelerate and the signs must be adequately visible from further away. Roslund indicated they could achieve visibility with a larger, non-obtrusive sign, such as exists, or with a bright, internally lit sign. Roslund also noted in the old Code, there was language for allowing for the combining of multiple tax lots to ascertain street frontage.

Roslund also asked:

Were there size restrictions on digital signs or internally lit signs?
Were permits required for temporary signs?
Would real estate directional signs be allowed?
Would 9.44.050.C require that real estate signs must come down after 90 days?

2. John Purcell (116 Spring Hill Road) asked that the Commission consider the amount of illumination allowed with signs. He also indicated the definition digital signs includes LED signs, which would then be prohibited by the prohibition of digital signs.

3. Barbara Corchnoy (311 E 2nd Street) stated that there are signs directing parking that are misleading and result in more trash on her street.

4. Leslie Vaaler (205 Radar) supported Roslund's comment about the need for a visible sign in the higher speed areas and that how the sign was constructed should be taken into account. She also wanted more control of lit signs and standards of what is too bright.

5. Anthony Muirhead (777 Aqua Vista and Adobe) noted the Adobe has neon vacancy signs and supported Roslund's request for larger signs.

6. Linda Smith-Rikel (Quiet Water) stated Yachats states it is the Gem of the Oregon Coast and was worried that Yachats could lose its integrity and suggested looking at Santa Barbara and Cambria who have retained their village quality.

Anderson stated the Planning Commission has looked at the lighting situation. She reported the lights from signs and parking lights gets conflated, so setting limits could be better addressed in Title 5 of the Code, where the Commission could set standards for trespass light. She noted the Commission plans to address trespass light.

Anderson stated she had not thought about the higher speeds on the north end of town and asked if Commissioners would consider larger signs in that area. Kerti agreed the speed should be considered. Shrock noted the Fireside sign was smaller than the Overleaf. Roslund reported the Overleaf sign is about 100 square feet and the Fireside sign is 85 square feet. Kerti suggested that if larger signs were allowed, not all of the larger size should be allowed to be internally lit.

Anderson noted the Commission did talk about contiguous lots as the definition of street frontage.

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O'Shaughnessey suggested the Commission continue work on signs at a special meeting.

Shrock moved to continue the hearing to August 28, 2018 at 2:00 pm: Aye – 7; No – 0.

D. Title 9 Zoning and Land Use Amendment – Comprehensive Plan Goals & Policies

Lewis passed out written testimony from Layne Morrill on recommendations for Goal J. Anderson recalled the proposed language had information that would be dated, such as market conditions. Bloch noted in Policy 6 under Goal J has specific information.

Lewis explained the draft the Commission is reviewing is what was sent to DLCD, but the Commission made six changes since that draft was sent.

Page 8: eliminate extra space
Page 14, Policy 5: strike UGB
Page 16, Goal I: change punctuation to read as follows: The City provides efficient essential public facilities and services to accommodate future growth, including water and sewer services, storm drainage public safety, and emergency services.
Page 18, Goal J, Policy 6: delete first three paragraphs, leaving paragraph beginning with, "The City strongly encourages…"

Anderson recalled the Commission wanted to remove these paragraphs, but somehow retain the information as it was very useful. Urban noted the first three paragraphs were not policies. Morrill explained he made these suggestions as he needed support from the City to indicate there was a local need for a particular type of housing that could be used to address fair housing law because he wanted to establish the need for housing for local workers

Urban suggested adding the emphasis on local workforce housing as part of the goal statement. Commissioners agreed on the following language for the Goal J statement: The City encourages a variety of housing choices in appropriate locations to accommodate a range of needs and incomes, in particular the housing needs of local workers.

Page 19, Proposed Action: The Commission public involvement plan was not under
Page 20: "policy" needs to be "policies"

Shrock moved to forward the amended Comprehensive Plan to the City Council as amended: Aye -7; No - 0.

VI. Planner's Report

V. Other Business

A. From the Commission

O'Shaughnessey moved to move the Code changes on clear-sight to the public hearing stage and forward the document to DLCD: Aye – 7; No – 0.

B. From Staff - none

Anderson adjourned the meeting at 5:02 pm.

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Helen Anderson, Chair Date

DRAFT

Minutes prepared by H H Anderson on September 16, 2018.

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YACHATS PLANNING COMMISSION

September 18, 2018

Work Session Approved Minutes

Vice-Chair Ron Urban called the September 18, 2018 meeting of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Mary Ellen O'Shaughnessey, Ginny Hafner, James Kerti, Shelly Shrock, and Lance Bloch. Absent: none. Staff present: City Planner Larry Lewis. Audience: 2.

I. Exterior Lighting – Trespass Light

Commissioner Anderson handed out a document on lighting. She explained that uplighting is light that shines above a 90 degrees horizontal plane to the light source, light that shines downs into the desired area is useful lighting, light beyond the useful area shining into the street is glare, and light beyond that onto adjacent properties is trespass light. She noted some types of unwanted lighting could be minimized through shielding.

Anderson explained that cities typically define zones for different allowances of lighting. She noted the various associations - Green Builders Association, Dark Sky Association, and International Electrical Association – provide justification for regulating trespass light along factors, such as sleep habits, animal habits, impacts on oceans, and public safety. She indicated there were some examples of language used in code. She highlighted the last page, which gives examples of what the different intensities mean.

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Anderson discussed the different ways light intensity is measured in terms of levels on a light meter.

Urban asked why the Commission was looking at this issue. Anderson indicated citizens have been complaining about lights. Urban reported he has researched different ordinances regulating light and some are extensive. Urban argued that the Commission may have tried to do too much too quickly with the sign ordinance, and suggested they move slowly and simply. He suggested language such as, "All outdoor lighting systems shall be designed and operated so that the area 20 feet beyond the property line of the premises receives no more than one-half of a foot candle of light from the premises lighting system" (City of Omar).

Commissioner Kerti reported that foot candle measures one foot away and lux measures one meter away.

Commissioner Bloch asked about how one would measure light from multiple sources on a given piece of property. Anderson suggested that trespass light incorporates all of the light sources on a property. Block wondered how street lights would impact the measurement, specifically how one would determine whether the light is coming from the street light or the property. Anderson believed the source of lights could not be disentangled, unless selected lights are turned off while measuring.

Kerti wondered how trespass lighting would be handled for signs that already exist. Anderson speculated that light could be treated in the same way that sound is. She wondered if the fact that lights are turned off and on would factor into how it is regulated. Urban noted the Commission could establish a time limit for people to bring lights into compliance. Kerti wondered if signs could be required to have dimmers, recalling that when he was investigating digital signs he noted some cities required that digital signs have some output control. Commissioners noted there was light

that stands out but does not necessarily make a neighboring property bright, such as the visibility of the green Sea Note sign from properties south of the bridge.

Commissioner Shrock inquired as to whether Dollar General had ever installed shielding on their parking lights. Planner Lewis did not know if the Code Enforcer had gotten a response to his request on the matter.

Urban suggested that the Commission needed to get a better idea of what citizens want the community to look like before establishing some of these regulations. Urban indicated he did not feel comfortable making some of the technical decisions around the lighting issues. Urban believed that many decisions would be easier if the Commission had standards for how they want the community to appear.

Anderson indicated she felt more comfortable with enacting code that is commonly used by other jurisdictions. She noted she had told many people that the Commission would be addressing the light issue after completing the sign ordinance. She speculated that the Commission would have more complaints had she not told people the matter would be addressed.

Kerti asked if the Planning Commission had looked into Dark Sky compliance. Anderson recalled the Commission did look at the model Dark Sky ordinance and felt the task was much bigger than could be addressed without public involvement. She stated the Commission recommended to Council that they have some type of educational program on Dark Sky compliance to get the community on board with the concept before asking the Planning Commission to draft any documents. Urban added that he has had several people approach him wanting to know more about Dark Sky issues and suggested there are people in the City who want to look at the matter more closely. Urban posited that there already are light limitations in the code that could be enforced.

Hafner liked Urban's idea to add something to what exists that is simple and could be measured. She believed an architectural committee could greatly support the work of the Planning Commission. Anderson noted that she received possible indication that Drew Roslund from the Overleaf would be interested on working on such a committee. Commissioners mostly agreed that the Council would need to establish a basis to establish architectural committee to examine what look the City wants.

Anderson noted the Council is currently unclear of their focus. She reported that all the work of the Commission on ordinances did not get turned into Ordinance format before the City Manager left town. The City Manager asked Anderson to just present what would be coming to the Council at their next meeting. Anderson emphatically thanked Hafner for speaking to the Council about the hard work of the Commission and the need for respecting the work of the Commission.

Anderson summarized some of the questions Councilors had for the Commission, such as generating list of all items in the Comp Plan that do not have code written on that issue. Urban noted the gravity of that request.

II. Drift Inn Parking

Urban asked Lewis about the Planning Commission's role in enforcing the type of issue that is arising at the Drift Inn. Anderson noted this matter is relevant to Planning as it is a violation of a conditional use agreement. Lewis indicated he had spoken with Linda Hetzler, Drift Inn owner, and she would likely have to come to the Commission to discuss how she would add additional parking. Lewis stated that the conditional use permit would have to be amended.

Anderson clarified that there was an issue around violating the existing conditional use permit because required spaces in front of the old laundromat building had been removed. Additionally, Anderson recalled the outdoor seating behind the Drift was not counted for required parking when the original conditional use was made, and now more seating has been added. Anderson believed there needed to be additional parking to accommodate this outdoor seating.

O'Shaughnessey suggested that all communications be in writing.

Hafner clarified that E 2nd Street parking was on-street, not off-street. Hafner noted there was a sign on E 2nd near Prospect that indicates the spaces are Drift Inn parking. Commissioners discussed parking in the area around the mobile home lot with off-street parking. Anderson recalled in the original conditional use application, Hetzler was going to remove the mobile home but was not required to do so to meet parking requirements, and later she decided not to remove the mobile home.

Commissioners agreed to have Lewis invite Hetzler to the October Planning Commission meeting.

Kerti asked if there were standards around the maneuverability of parking lots so that cars could back out of a spot without having to trespass onto the street. Kerti noted the code indicates that backing up was only required for lots of four or more spots (9.40.010(J)). Anderson recalled backing up onto 101 was prohibited. O'Shaughnessey suggested the regulation might be from ODOT. Commissioners agreed they wanted more information.

Urban adjourned the work session at 2:59 pm.

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Ron Urban, Vice-Chair Date

Minutes prepared by H H Anderson on October 11, 2018.