

YACHATS PLANNING COMMISSION

September 18, 2018

Approved Minutes

Chair Helen Anderson called the September 18, 2018 meeting of the Yachats Planning Commission to order at 3:03 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: 4.

I. Announcements and Correspondence

Anderson indicated she has asked the City Manager to ask the City Attorney to give us input on grandfathering walls, hedges, and fences on the clear sight issue and on rules for lighting if the Commissions recommends changes.

Anderson also announced that she presented to Council that the ordinances would be presented in October 2018.

II. Minutes

A. August 21, 2018 Work Session Meeting

Dates at top of document indicate July 17, not August 21

Page 1, Line 8: "and" should come after Kerti.

Page 1, Line 12: the welcome statement for Block should come before Section I.

Page 2, Line 6: "everyone" should be "everything"

Page 2, Line 32: "it's" should be "its"

Page 2, Line 33: Add "of the" after "source"

Commissioner Shrock moved to approve the August 21, 2018 work session minutes as amended: Aye – 7; No – 0.

B. August 21, 2018 Regular Meeting

Page 4, Line 13: "use" should be "used"

Page 4, Line 17: "further" should be "farther"

Page 4, Line 29: insert "of" between "digital" and "signs"

Commissioner Hafner clarified that "required yard" means the required yard setback or the area that falls in a setback area.

Commissioner Urban moved to approve the August 21, 2018 Planning Commission meeting minutes as amended: Aye - 7; No – 0.

C. August 28, 2018 Special Meeting

Page 1, Line 20: Complete sentence beginning with, "Urban added that..."

Page 1, Line 24: Delete "for"

Page 2, Line 20: add "feet" to the end of the clause

Page 2, Line 47: "the Roslund" should be "that Roslund"

Footer should read September 18 rather than June 19

Numbering of sections needs to be adjusted after III, as there are two III

Hafner moved to approve the August 28, 2018 Planning Commission meeting minutes as amended: Aye - 7; No – 0.

1 **III. Citizen's Concerns - none**

2
3 **VI. Planner's Report**

4 Lewis summarized the building activity in his report.

5
6 **V. New Business**

7 **A. Water Resources**

8 Anderson asked Water Treatment Plant Lead to talk to the Commission about water availability.
9 She explained that when the Fistera PUD came up, there was concern about supplying water to
10 those 130ish lots and also to building on the current unbuilt lots in the City. Anderson estimated
11 there were 400 tax lots that could be built on. She asked what the City supply could support.

12
13 McClung confirmed there is a limited water supply for Yachats. He reported Public Works is
14 revising the Water Master Plan this year. That Plan would address water sources, potential water
15 resources, and water other water needs. He noted the City could currently connect with South
16 Lincoln Water. However, if South Lincoln had a shortage, Yachats would not have that resource.
17 McClung stated South Lincoln has substantial water rights with four different creeks. McClung
18 made a "best guess" that the existing City supply could support another 50-100 homes without
19 using South Lincoln, except during times of extreme draught.

20
21 O'Shaughnessey clarified that the cost of the water would increase if it were purchased from South
22 Lincoln.

23
24 McClung explained the current supply flow was 220 cfm, which equates to less than ½ million
25 gallons each day. The City has a supply of 1.7 million gallons of stored, finished water, which was
26 equivalent to 8 days during summer and 12 days during winter. McClung stressed the importance
27 of developing long-term raw water storage.

28
29 Jacqueline Danos suggested that the City consider gray water usage as part of the water planning
30 process. She theorized that the benefit of using gray water could be expressed in terms of how
31 much additional building could occur or how much further the supply could go.

32
33 McClung estimated that he should have better projections from the Water Master Plan around this
34 time next year.

35
36 **B. Housing Memo to Council**

37 Anderson passed out a draft of a memo to Council in response to Councilor Glenn's request to
38 look at the report from Newport on affordable housing. Kerti clarified that the attachment was the
39 list of questions that Lewis had given the Commission when they started looking at model
40 ordinances.

41
42 Commissioner Bloch asked about the definition of ADUs and whether an attached structure with a
43 separate living facility/kitchen would be considered an ADU. Lewis indicated an ADU is a separate
44 dwelling. Hafner noted this issue could be part of the definition of an ADU.

45
46 O'Shaughnessey suggested the critical arguments be bulleted for better presentation. Kerti added
47 that the points could be made stronger. O'Shaughnessey indicated she would help Anderson
48 revise the draft.

49 **C. Attorney Feedback: Business Licenses and Light Industrial**

50 Anderson explained the attorney had noted there was already language in the code that identified
51 Light Industrial as a conditional use (Item K), so adding Item W was not necessary.

1 Anderson reported she presented the certificate of occupancy requirement to Council with Option
2 A to make it a requirement of getting a license and Option B to give stronger justification for
3 revoking an issued license. She reported the Council suggested to use both Option A and Option
4 B. The Council directed the City Manager to proceed with turning this language into an ordinance.
5

6 Anderson clarified the June email referenced by the Attorney was the previous comments from the
7 Attorney that the Commission saw at a previous meeting. She noted the Attorney asserted that
8 this ordinance was inappropriate as a means to deal with a problem with one business, and she
9 did not agree with this position, noting other businesses have started unpermitted construction.
10 O'Shaughnessey and Kerti agreed with Anderson. Urban was not aware of other businesses
11 engaging in this activity. Anderson noted the Drift Inn had done the building behind the Mercantile
12 without a permit. Lewis reported that the Drift Inn did get a permit after the fact.
13

14 Urban was concerned about potentially shutting down a business that is important to the
15 community. Anderson stated she was concerned about people going into a safe building, noting
16 the Farm Store has not had anything inspected. She also pointed out she hears a lot that there
17 was no way to enforce stuff because there is no "teeth" in the code, and this code would provide
18 teeth. Urban responded that he saw the Attorney as still having questions about this approach and
19 remained uncertain that there was a real problem to be fixed. Anderson stated she heard Uban's
20 concerns and wanted to hear what others thought.
21

22 O'Shaughnessey stated she believed the requirement was absolutely important. Kerti agreed with
23 O'Shaughnessey. Bloch agreed the matter was important, and questions the Attorney's reasoning
24 that one business did not make the issue a valid one for code regulations. Lewis added that the
25 attorney had been trying for four years to get the Farm Store to comply with building codes.
26 Shrock added that if they let one person not follow the law, others would likely follow.
27

28 Anderson noted the Attorney asked that they ensure certificates of occupancies were available.
29 Anderson indicated she called the County Planning Department, who indicated they do keep
30 records of occupancy, but could not be certain all were on file. The County asked that Anderson
31 send them a list of businesses, and they would check to see that a certificate was on file. Hafner
32 asked if the County had the certificates, why did the City need to do anything. Anderson explained
33 that is solely for the City to have control over only issuing licenses to permitted building.
34

35 Leslie Vaaler recalled the Council stated the business licenses were renewed each year.
36 O'Shaughnessey added that some people rent the space where there businesses are located.
37 Vaaler indicated the County told her that she could look at files on properties at their office.
38 Commissioners noted there was a cost associated with finding these certificates.
39

40 Joni Bixler asked why the business was allowed to open originally. Anderson noted they license
41 was not only issued, it has been renewed for five years. Bixler was astounded that the business
42 was allowed to remain open.
43

44 Anderson added that she did tell the Council that they should give businesses time to remedy
45 issues before they were forced to close.
46

47 Urban argued that the matter was now a matter for the Council, not the Commission. Anderson
48 noted the search for certificates that were on file was a suggestion of the Attorney. Urban
49 suggested that until the Council does something, the Commission should not move forward.
50 Shrock agreed that they should find out from Council that they are even interested in pursuing this
51 topic. Anderson indicated the Council did instruct the City Manager to turn this recommendation
52 into an ordinance.

1
2 Per the work session discussion, Anderson noted they needed to direct Lewis to ask the Drift Inn to
3 come to a meeting to discuss the parking issue.
4

5 **D. Request for Letter to Drift Inn**

6 Urban moved to direct staff to send a letter to Linda Hetzler addressing the additional parking
7 requirements for the outdoor seating and the changes to the parking at the old laundromat: Aye –
8 7; No – 0.
9

10 **VI. Other Business**

11 **A. From the Commission**

12 Anderson announced that Lewis would be retiring at the end of December 2018. She thanked
13 Lewis for his service. Anderson reported that the City Manager was planning to create a full-time
14 staff position that would combine code enforcement and planning. Lewis indicated that there were
15 planners interested in doing both types of work, and it might be easier to find someone to work full
16 time instead of only one or two days per week.
17

18 **B. From Staff - none**
19

20 **C. From the Floor**

21 Bixler asked if there was an ordinance that required businesses to have area for offloading of
22 delivering trucks as she was seeing giant trucks parking on the highway to unload supplies.
23

24 Anderson adjourned the meeting at 4:03 pm.
25
26
27

28
29 _____
Helen Anderson, Chair

Date

30
31 Minutes prepared by H H Anderson on October 11, 2018.
32