

1. Agenda

Documents:

[10-16-19\\_PC\\_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[CLEAR\\_VISION\\_STANDARDS.PDF](#)

[DRAFT\\_09-18-18\\_PLANNING\\_WORK\\_SESSION\\_MINUTES.PDF](#)

[DRAFT\\_09-18-18\\_PLANNING\\_MINUTES.PDF](#)

3. Work Session Minutes

Documents:

[2018-10-16\\_PLANNING\\_WS\\_MINUTES.PDF](#)



CITY OF YACHATS

## PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

**TUESDAY, OCTOBER 16, 2018: 2 PM WORK SESSION;  
3 PM REGULAR MEETING**

### WORK SESSION AGENDA

- A. Comprehensive Plan Amendments
- B. Sign Amendments – Feedback on Draft Amendment

### REGULAR MEETING AGENDA

- I. Announcements and Correspondence
- II. Minutes
  - A. Special Meeting and Work Session –September 18, 2018
- III. Citizen's Concerns
- IV. Public Hearing
  - A. Title 9 Zoning & Land Use Code Amendment – Chapters 9.52.030 and 9.64 Clear Vision Standards & Fences, Hedges and Walls
- 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: November 20, 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](http://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 10, 2018



September 18, 2018

**To: Yachats Planning Commission**

**From: Larry Lewis, City Planner**

**Re: Clear Vision Standards & Fences, Hedges and Wall Regulations**

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This memorandum provides proposed amendments to clear vision standards and fence/hedge/wall regulations as drafted by the Planning Commission.

The draft clear vision standards primarily focus on the need to have clear vision standards at the intersection of a street and a driveway. Currently, the clear vision standards only apply to the intersection of two streets.

Regarding fence/hedge/wall regulations, the City Attorney recommended these regulations be taken out of the 'accessory use' section. This draft amendment removes fence/hedge/wall regulations from Section 9.52.030 General Provisions Regarding Accessory Uses and inserts the regulations into Section 9.64.010 Design Standards (under Street Construction and Design).

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#### **Section 9.52.030 General provisions regarding accessory uses.**

An accessory use shall comply with all requirements for a principal use, except as this title specifically allows to the contrary, and shall comply with the following limitations:

- A. An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than five (5) feet to a property line.
  - 1. The maximum height shall be one story or fifteen (15) feet, whichever is the lesser.
  - 2. Accessory buildings are not permitted in the front yard.
- ~~B. Fences, hedges and walls may be located within required yards, but shall not exceed three (3) feet in height in any required yard which abuts a street other than an alley. Higher screen may be allowed with proper setbacks for clear vision in accordance with Section 9.64.010. (Ord. 319, 2013; Ord. 267, 2007; Ord. 73E § 3.050, 1992).~~ (First sentence proposed to be moved to Chapter 9.64 – see below.)

#### **Chapter 9.64 - Street Construction and Design**

##### **Section 9.64.010 Design standards.**

Any street constructed within and dedicated to the City as a city street, or dedicated to the public for use as a street and constructed after the date of the ordinance codified in this title shall comply with Chapter 7.04. In addition, the following standards shall apply **to all streets, i.e. public streets and private streets:**

- A. Clear-Vision Areas. A clear-vision area shall be maintained on the corners of all property at the intersection of two (2) streets **and at the intersection of a street and a driveway.**

1. A clear-vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other sides.
2. A clear-vision area shall contain no planting, fence, wall, structure, temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height eight feet above grade.
3. For clear-vision areas, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

**B. Fences, hedges and walls may be located within required yards, but shall not exceed three (3) feet in height in any required yard which abuts a street other than an alley.**

C. Street Intersections. Streets shall intersect one another at an angle as near to a right angle as is practical considering the topography of the area and previous adjacent layout. Intersections shall be designed so that no danger to the travelling public is created as a result of staggered intersections; and in no case shall intersections be offset less than one hundred (100) feet.

D. Cul-De-Sacs and Turn-Arounds. In general, dead end (cul-de-sac) streets in urban subdivisions (average lot size under one acre) shall not exceed four hundred (400) feet in length and shall terminate in a turn-around with a minimum property line radius of forty-five (45) feet or other type of turn-around approved by the Planning Commission. Turn-arounds approved by the Planning Commission shall be provided on all dead-end streets.

E. Easements.

1. Where alleys are not provided, easements of not less than five (5) feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways, and walkways, and to provide necessary drainage ways or channels.
2. A private easement established without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

F. Blocks. No block shall be longer than one thousand two hundred (1,200) feet between street lines.

- G. Public Access Ways. When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways ten (10) to twenty (20) feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.
- H. Public Streets. If topography or other physical conditions make a street of the minimum required width impractical, the Planning Commission may modify this street regulation requirement provided the public and future owner's interests are adequately protected.
- I. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this title.
- J. Variance. The standards for street construction may be varied by the ~~City Council~~ **Planning Commission** where topography, soil characteristics, or other factors indicate such variance would be in the best interest of the City. Any request for variance in the above standards must be made in writing and filed with the City Recorder when the application for construction is submitted. (Ord. 175, 1995; Ord. 73E § 8.010, 1992)

# YACHATS PLANNING COMMISSION

September 18, 2018

## Work Session Draft 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 down 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.

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

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

3  
4 Commissioner Shrock inquired as to whether Dollar General had ever installed shielding on their  
5 parking lights. Planner Lewis did not know if the Code Enforcer had gotten a response to his  
6 request on the matter.

7  
8 Urban suggested that the Commission needed to get a better idea of what citizens want the  
9 community to look like before establishing some of these regulations. Urban indicated he did not  
10 feel comfortable making some of the technical decisions around the lighting issues. Urban  
11 believed that many decisions would be easier if the Commission had standards for how they want  
12 the community to appear.

13  
14 Anderson indicated she felt more comfortable with enacting code that is commonly used by other  
15 jurisdictions. She noted she had told many people that the Commission would be addressing the  
16 light issue after completing the sign ordinance. She speculated that the Commission would have  
17 more complaints had she not told people the matter would be addressed.

18  
19 Kerti asked if the Planning Commission had looked into Dark Sky compliance. Anderson recalled  
20 the Commission did look at the model Dark Sky ordinance and felt the task was much bigger than  
21 could be addressed without public involvement. She stated the Commission recommended to  
22 Council that they have some type of educational program on Dark Sky compliance to get the  
23 community on board with the concept before asking the Planning Commission to draft any  
24 documents. Urban added that he has had several people approach him wanting to know more  
25 about Dark Sky issues and suggested there are people in the City who want to look at the matter  
26 more closely. Urban posited that there already are light limitations in the code that could be  
27 enforced.

28  
29 Hafner liked Urban's idea to add something to what exists that is simple and could be measured.  
30 She believed an architectural committee could greatly support the work of the Planning  
31 Commission. Anderson noted that she received possible indication that Drew Roslund from the  
32 Overleaf would be interested on working on such a committee. Commissioners mostly agreed that  
33 the Council would need to establish a basis to establish architectural committee to examine what  
34 look the City wants.

35  
36 Anderson noted the Council is currently unclear of their focus. She reported that all the work of the  
37 Commission on ordinances did not get turned into Ordinance format before the City Manager left  
38 town. The City Manager asked Anderson to just present what would be coming to the Council at  
39 their next meeting. Anderson emphatically thanked Hafner for speaking to the Council about the  
40 hard work of the Commission and the need for respecting the work of the Commission.

41  
42 Anderson summarized some of the questions Councilors had for the Commission, such as  
43 generating list of all items in the Comp Plan that do not have code written on that issue. Urban  
44 noted the gravity of that request.

## 45 46 **II. Drift Inn Parking**

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

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

6  
7 O'Shaughnessey suggested that all communications be in writing.

8  
9 Hafner clarified that E 2<sup>nd</sup> Street parking was on-street, not off-street. Hafner noted there was a  
10 sign on E 2<sup>nd</sup> near Prospect that indicates the spaces are Drift Inn parking. Commissioners  
11 discussed parking in the area around the mobile home lot with off-street parking. Anderson  
12 recalled in the original conditional use application, Hetzler was going to remove the mobile home  
13 but was not required to do so to meet parking requirements, and later she decided not to remove  
14 the mobile home.

15  
16 Commissioners agreed to have Lewis invite Hetzler to the October Planning Commission meeting.

17  
18 Kerti asked if there were standards around the maneuverability of parking lots so that cars could  
19 back out of a spot without having to trespass onto the street. Kerti noted the code indicates that  
20 backing up was only required for lots of four or more spots (9.40.010(J)). Anderson recalled  
21 backing up onto 101 was prohibited. O'Shaughnessey suggested the regulation might be from  
22 ODOT. Commissioners agreed they wanted more information.

23  
24 Urban adjourned the work session at 2:59 pm.

25  
26  
27  
28  
29 \_\_\_\_\_  
Ron Urban, Vice-Chair

\_\_\_\_\_ Date

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

# YACHATS PLANNING COMMISSION

September 18, 2018

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

# YACHATS PLANNING COMMISSION

October 16, 2018

## Work Session Approved Minutes

Vice-Chair Ron Urban called the October 16, 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, Ginny Hafner, James Kerti, Shelly Shrock, and Lance Bloch. Absent: Mary Ellen O'Shaughnessey. Staff present: City Planner Larry Lewis. Audience: 4.

### **I. Comprehensive Plan Amendments**

City Councilor Craig Berdie presented his ideas for the Comp Plan review and content. He suggested the Council could give the Commission priorities for their work. Commissioner Anderson reported from her conversation with Mayor Stanley, that there were two separate tasks: the ordinary Planning Commission review of the Comp Plan and the Council's direction to the Commission to address specific issues in the Comp Plan. Berdie believed the Council should give the Commission areas requiring statutes and areas to be of priority.

Commissioner Hafner expressed concern over having one Councilor direct the Commission. Anderson suggested Berdie was present for clarification. Commissioner Urban indicated the Commission would need more time to review Berdie's page of questions. Berdie asserted the Commission did not go far enough in their review of the Comp Plan. Anderson asked Berdie if Council had seen the list Berdie handed out. Berdie indicated Council had reviewed his document. Berdie added that there were inconsistencies in which components of the Comp Plan had identified actions, policies, and ordinances. Hafner noted part of the Comp Plan was to present vision rather than specific actions.

Anderson thanked Berdie for his interest in the Commission's work and indicated the Commission would welcome input from the Council on priorities. Planner Lewis noted Commissions in the past have identified where ordinances were needed when they went through the updating process. Urban raised concern about the Commission proceeding without the Council having approved the changes to date. Commissioner Kerti noted the 2008 survey and apparent community input for the priorities in the Comp Plan. Commissioners discussed the possible need for another community survey.

Anderson indicate the Commission would review Berdie's question at the November work session.

### **II. Sign Ordinance – Attorney Feedback**

Anderson explained to Manager Beaucaire that the Commission needed help in figuring out how to work with the attorney. Manager Beaucaire suggested the model ordinances created by the League of Oregon Cities factor in recent court cases on planning. Anderson reported the Commission had been working from code from other cities and adopting that to Yachats. Anderson indicated she was hearing Manager Beaucaire say that the Commission should clearly identify what the problem was to be addressed, then ask the attorney if he has any recommendations for code.

Hafner recalled that the Commission had a public meeting and sent the draft ordinance to ODLCD for review. Lewis noted ODLCD often does not comment on drafts unless there is a problem with respect to a state goal. He noted Waldport had worked from the DLCD model ordinance to write theirs, and Yachats worked from Waldport's plan. Manager Beaucaire explained other city ordinances might not reflect legal changes or might not have yet been challenged on issues.

1 Manager Beaucaire also reported the regulation of signs was an extremely complicated and  
2 difficult issue to legislate.

3  
4 Manager Beaucaire noted the attorney provided recommendations and the Commission was not  
5 bound to those recommendations. She added that the Commission could have a legitimate reason  
6 to not agree with the attorney, but that they should seriously consider his recommendations.  
7 Anderson asked about the feasibility of having the attorney draft the initial document.  
8 Commissioner Shrock commented on the cost of using the attorney to draft documents. Anderson  
9 recalled previous Commissions were asked not to ask questions of the attorney. Anderson  
10 suggested that the Commission was now working in a context of worrying about avoiding lawsuits.

11  
12 Commissioner Bloch noted the majority of the code was not about content, and the attorney's  
13 major concern appeared to be about the content issue. He suggested the area that would be of  
14 concern around content would be temporary signs. Anderson noted the comments about  
15 open/closed signs, address signs, and directional signs.

16  
17 Urban expressed frustration with the attorney's comments about flags where he asserted that a  
18 Jolly Roger flag was equally as important as the American Flag. Manager Beaucaire suggested  
19 the Commission could state what their intent was and ask for clarification with the attorney or  
20 decide to not follow that advice of the attorney. Anderson asked if the Commission could disagree  
21 with the attorney. Manager Beaucaire suggested the Commission, when presented to Council,  
22 clearly state what the attorney's position was and why the Commission disagreed with that position  
23 so Council would be fully informed to make policy.

24  
25 Anderson clarified that Manager Beaucaire would be open to having a workshop with the attorney  
26 after the new year. Commissioners expressed frustration over how extreme some of the attorney's  
27 positions appeared to be. Urban clarified that the City's present sign ordinance would not meet the  
28 attorney's criteria. Kerti noted the attorney had comments about portions that were taken from the  
29 model ordinance.

30  
31 Kerti stressed the importance of involving the attorney earlier in the process of developing new  
32 code. He added that he learned Lincoln City had difficulty in revising their sign ordinance over the  
33 same issues the City's attorney was raising.

34  
35 Urban adjourned the work session at 3:03 pm.

36  
37  
38  
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Ron Urban, Vice-Chair

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Date

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42 Minutes prepared by H H Anderson on November 17, 2018.  
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