

1. Agenda

Documents:

[2020-01-21 Planning Commission Agenda.pdf](#)

2. Planning Commission Meeting Materials

Documents:

[2020-01-21 Handout D Mattison 1.Pdf](#)

[2020-01-21 Handout D Mattison 2.Pdf](#)

[2019-11-12 Planning Public Meeting Minutes.pdf](#)

[2019-11-19 Planning Minutes.pdf](#)

[2019-11-19 Planning Work Session Minutes.pdf](#)

[2019-12-17 Planning Minutes.pdf](#)

[2019-12-17 Planning Work Session Minutes.pdf](#)



## CITY OF YACHATS

PLANNING COMMISSION MEETING  
441 Hwy 101 N., Yachats Commons, Room 1  
Tuesday, January 21, 2019: 3:00 pm

### AGENDA

- I. Call to Order
- II. Election of Chair and Vice-Chair
- III. Announcements and Correspondence
- IV. Minutes
  - A. November 19, 2019 Work Session and Regular Meetings
  - B. November 12, 2019 Public Meeting on Lighting
  - C. December 17, 2019 Work Session and Regular Meetings
- V. Citizen's Concerns
- VI. Public Hearings
- VII. Business
  - A. Upcoming Hearings
  - B. Training Needs
- VIII. Planner Report
- IX. Other Business
  - A. From the Commission
  - B. From Staff

Commission meets the third Tuesday of each month.

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: 12/13/19

## Prioritization of Ordinance amendments

1. Exterior Lighting (5.08.165)
2. Off-Street Parking Requirements (9.48)
3. (New) *Application Procedures and Fees* (9.06)  
(New) *Interpretations and Exceptions* (9.50)  
(New) *Wetlands Requirements* (9.51)  
(New) *Shoreline and Dune Standards* (9.53)  
Supplementary Use, Design Regulations and *Site Development Standards* (9.52)  
(New) *Provisions for Special Uses* (9.46)  
(New) *Design and Landscape Standards* (9.49)
4. Residential Zones (9.12-9.24)
5. Definitions (9.04)
6. Definitions (5.08.010)
7. Fences (5.08.090)
8. Trees (5.08.130)
9. (New) *Revocation of Permits and Variances* (9.88.180)
10. Enforcement and Penalties (9.88.170)

HANDOUT 1-21-20  
D. MATTISON



# memo

**To:** Yachats City Planning Commission Members  
**From:** Dave Mattison, City Planner *DM*  
**Date:** January 21, 2020  
**Re:** December/January Planning Activities

## Building Permits

In the tail end of December, there were three (3) permits dealt with – a sign permit at 504 Hwy 101, a building permit for an accessory structure at 125 Ocean View Drive, and a building permit for a manufactured home and garage at 257 Windsong Street. A total of 12 building permits for new homes in the City was issued in 2019.

In 2020, there have been three (3) building permits submitted to the County – a single-family home on 10<sup>th</sup> Street (address pending), a single-family home at 22 Basalt Loop, and a building addition at 341 West Second Street.

## Land Use Issues/Applications

The Drift Inn Parking Variance was approved on December 17<sup>th</sup>.

A land use application for the rezoning of the Fire Station is scheduled to be taken before Planning Commission, as a quasi-judicial hearing, on February 18, 2020.

A land use application for a Conditional Use Permit for a Bed and Breakfast at 610 Lemwick Lane will also be taken before Planning Commission, as a quasi-judicial hearing, on February 18, 2020.

## Daily Correspondence and Other Items

At the end of December, there have been approximately 4 – 5 counter discussions regarding building permits, zoning questions, and vacation rental questions.

Several calls and email have come to me regarding questions on uses/setbacks allowed in City zones for certain properties – such as 48 East 8<sup>th</sup>, vacant lots on Marine Drive, 341 West Second, 622 Ocean View Drive, property on Aqua Vista Loop, Rock Park Cottages, 1750 Hwy 101 North, the property for sale at 1048 Hwy 101, and yurt development city-wide. Correspondence by phone and email have also been for address issuance and clarification with the County, code



City of Yachats

**YACHATS PLANNING COMMISSION**

November 12, 2019

**Public Meeting on Lighting Draft Minutes**

Chair Helen Anderson opened the November 12, 2019 public meeting on lighting at 5:00 pm in the Room 1 of the Yachats Commons. Members present: Doug Conner, Helen Anderson, Lance Bloch, Jacqueline Danos, Mary Ellen O’Shaughnessey, and Loren Dickinson. Absent: Christine Orchard. Audience: 26.

**I. Lighting Public Meeting Discussion**

Anderson explained the meeting was to get input from citizens on what they wanted for outdoor lighting. She noted the Commission has not made any decisions about possible regulations and she reviewed the information in the meeting handout.

1. Rose Smith (892 Driftwood Lane) indicated a parking light at the Dollar General shines into their hall and bedroom. She noted they are turning off the light at 10:30 and there was some shielding, but that shielding did not protect them. They have put film on their windows.

Most attendees agreed the parking lights at the Dollar General were too bright.

2. Yvonne Hall (291 Ocean Wayside Lane) stated there were dark sky compliant lights at the new fire station that were still very bright and were reflecting lights into the trees and impacting the wildlife in the area. She indicated she has communicated with Fire Chief Frankie Petrick. She reported neighbors have complained to her about the driveway lights at the fire station. She did not believe the flag pole lights should be left on all night.

3. John Purcell (116 Spring Hill) suggested the Commission address the height of light poles to reduce spill and reflection. He also suggested shielding.

The majority of attendees indicated street lights were too bright and a few indicated street lights were not bright enough. One person indicated the street light was flickering and had a strange color. Anderson indicated street light issues can be reported on the City’s website and Commissioner Bloch indicated people can report lighting issues directly to Central Lincoln PUD. He reported Central Lincoln installed shielding when he requested it.

4. Don Groth (208 Reeves Circle) asked if the City could get Central Lincoln to have uniformity in the street lights.

1 5. Ann Stott (915 Driftwood Lane) supported regulations for trespass, glare, and skyglow  
2 lighting, curfews, shielding, and use of timers. She did not support creating zones, believed  
3 motion activated lights do not work well, wanted conservation to be left to individuals, and  
4 thought the type of light should only be regulated for brightness. She noted the City's vision  
5 statement values nature, which lighting can adversely impact.  
6

7 6. Morgen Brodie (258 W 2<sup>nd</sup> Street) indicated there was some confusion about what trespass  
8 lighting was. She reported there were homes that left lights on all night and after vacation  
9 renters had left. She offered the Commission information on Dark Sky standards.  
10

11 7. Shannon McCarthy (289 W 2<sup>nd</sup> street) indicated she does not need to turn on her lights at  
12 night due to street lights and lights from the businesses. She reported lights from the south end  
13 of town were blinding because of how they were directed toward the State Park. She recalled  
14 there was a 10:00 pm light curfew about 20 years ago.  
15

16 Anderson asked if attendees had issues with commercial lighting. The Dollar General was  
17 mention  
18

19 Anderson polled the audience for establishing a curfew: all but two supported a curfew.  
20

21 8. Noel McIntosh (214 Shell Street) did not like lights on the second and third stories of a  
22 neighbor's house and the owner was not receptive to adding shielding or turning off at night. He  
23 indicated his neighbors believed the lighting was necessary for safety.  
24

25 Anderson stated the City Planner indicated they could require that building plans include a  
26 lighting plan to note areas of illumination.  
27

28 Purcell suggested restricting the visibility of the source of the light. Commissioner Dickinson  
29 referred to this shielding as cut-off shielding.  
30

31 Commissioner Danos indicated everyone could help educate people that brighter lights were not  
32 necessarily safer.  
33

34 Anderson asked if attendees had a preference for lights on all night versus lights turning on/off  
35 with motion activation. There was no clear preference. Tom Lauritzen indicated that motion  
36 lights can be activated by the wind can blowing vegetation.  
37

38 An attended asked if the Commission had looked at Dark Sky standards and if the issues raised  
39 tonight could be resolved through the Dark Sky recommendations. She believed dark skies  
40 would be an attraction for tourists.  
41

42 Anderson reviewed the Commission's previous investigation into Dark Sky standards and noted  
43 the Commission reported to Council that there was a need for community education before  
44 implementing such standards.  
45  
46

1 9. Yvonne Wulff (Greenhill Drive) reported the new street lights on the sidewalks have caused a  
2 glow from her house on Greenhill.

3  
4 10. Tom Lauritzen (204 Shell Street) reviewed plans for the City to restructure and a need to  
5 identify the skill sets needed to address citizen needs. He noted the extensive number of times he  
6 has contacted vacation rental companies to turn off lights that were left on, but the problem  
7 recurring does not get addressed. He suggested the Commission make clear their governing  
8 principles for the work they are proposing.

9  
10 Other comments included:  
11 - it was more important to do something now rather than to wait to get Dark Sky status.  
12 - a curfew would be a balance between dark skies and other needs

13  
14 Commissioner Conner asked for input on lights shining into the marine zones. The majority in  
15 the room did not support these lights.

16  
17 Anderson indicated people can continue to talk to Commissioners about their ideas or to email  
18 [happydogs27@gmail.com](mailto:happydogs27@gmail.com) with additional comments.

19  
20 Anderson adjourned the public meeting at 5:50 pm.

21  
22  
23

24 \_\_\_\_\_  
25 Helen Anderson, Chair

26 \_\_\_\_\_  
27 Date

28 Minutes prepared by H H Anderson on November 15, 2019.





City of Yachats

**PLANNING COMMISSION**

November 19, 2019

**Approved Minutes**

**I. Call to Order**

Chair Helen Anderson called the November 19, 2019 meeting of the Yachats Planning Commission to order at 3:02 pm in Room 1 of the Yachats Commons. Members present: Helen Anderson, Jacqueline Danos, Loren Dickinson, Lance Bloch, Christine Orchard, Mary Ellen O'Shaughnessey, and Doug Conner. Absent: none. Staff present: none. Audience: 3.

**II. Announcements and Correspondence - none**

**III. Minutes**

**A. October 22, 2019 Work Session and Regular Meeting**

**B. November 12, 2019 Public Meeting on Lighting**

Commissioner Danos moved to approve the October 22, 2019 work session and regular meeting minutes as presented: Aye – 7; No – 0.

Commissioner Bloch moved to approve the November 12, 2019 meeting minutes as presented: Aye -7; No – 0;

**IV. Citizen's Concerns - none**

**V. Public Hearings**

**A. Bed and Breakfast Case #1-CU-PC-19 Teeter**

Anderson opened the Public Hearing on Case #1-CU-PC-19 at 3:14 pm.

**Disclosures**

1. No Commissioner declared a need to abstain or participate based on potential or real financial gain, owning property within the area, or not being able to be impartial.
2. Bloch and Commissioner Dickinson reported they had visited the site.
3. Planner Mattison indicated all testimony to date had be submitted.

Mattison summarized his Staff Report.

**Public Testimony**

Applicant: Jeffrey Teeter and Marci Caldwell presented their case for the Bed and Breakfast application. Teeter noted he had yet to install a railing for the deck as it has been difficult finding

1 construction workers. Caldwell stated they planned to have options for the breakfast menu. She  
2 elaborated on the features of their guest suite.

3  
4 Bloch asked about the status of other construction and parking for the guest, noting there did not  
5 appear to be adequate space for the guest vehicle to maneuver in the driveway. Teeter stated there  
6 was dedicated guest parking.

7  
8 Anderson clarified with Teeter that the home had passed inspections with the County.

9  
10 Dawn Keller (878 Horizon Hill Road) stated there was much clutter and construction in the area.  
11 She reported the hair pin turn at the driveway was very dangerous and she did not think it was a  
12 good location for visitors to be entering/exiting. She asked if the construction container across the  
13 street would be removed.

14  
15 Teeter indicated the construction container was on a neighbor's lot with the neighbor's permission.

16  
17 Commissioners and teeter discussed how the guest vehicle would enter and exit the property.  
18 Teeter was amenable to the Commission's suggestion that vehicles only exit the property going  
19 forward. Teeter indicated he would clear the area of construction debris.

20  
21 Anderson noted that Teeter had marked a portion of guest parking and the driveway on public right-  
22 of-way and had indicated signage in the public right-of-way. Teeter stated he would ensure the  
23 parking and signage would be on his property.

24  
25 Bloch clarified with Teeter that there was still some construction to add the rock façade to the  
26 house.

27  
28 Commissioners discussed the safety of the driveway relative to the hair pin turn and concluded there  
29 should be a condition that the guest must exit the driveway going forward. The Commission also  
30 agreed that the Bed and Breakfast could not open until the deck railing had been installed.

31  
32 The Commission asked that the following be added to the conditions of approval:

- 33 1. Parking must be totally on the property and allow for the guest vehicle to maneuver.
- 34 2. Signage indicating the guests can only exit the property going forward should be installed.
- 35 3. The Bed and Breakfast cannot begin business until the deck railing was completed. Once  
36 the rail is complete, the applicant should contact the City Planner to inspect that  
37 conditions have been met.
- 38 4. All signage should be on the applicant's property.

39  
40 Anderson closed the Public Hearing at 3:50 pm.

## 41 42 **VI. Business**

### 43 **A. Admin Policy 6**

44 Anderson summarized Admin Policy 6 highlighting that Commissioners are not to make direct  
45 requests of staff. Commissioners had concern about rules around asking the Planner to do  
46 Commission business. Anderson stated she would ask the City Manager to come to the December  
47 meeting to address the questions being raised.





City of Yachats

**YACHATS PLANNING COMMISSION**

November 19, 2019

**Work Session Approved Minutes**

Vice-Chair Lance Bloch called the November 19, 2019 work session of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Doug Conner, Helen Anderson, Lance Bloch, Jacqueline Danos, Christine Orchard, Mary Ellen O’Shaughnessey, and Loren Dickinson. Absent: none. Staff Present: City Planner Dave Mattison. Audience: 1.

**I. Lighting Public Meeting Discussion**

Bloch asked each Commissioner to indicate their position on each of the ten questions presented at the public meeting.

Commissioners concurred that trespass lighting and glare needed regulating and that shielding would be a way to regulate these nuisances. Most Commissioners agreed that having a curfew would also help alleviate some of the issues raised by the public.

No Commissioner supported regulations by zone.

Commissioners agreed that it would be good to reduce sky glow, but varied on how to achieve that reduction. Commissioners indicated motion activated lights should be allowed with possible constraints on how they were mounted and as long as they were not set off by motion outside of the property.

Commissioners agreed that conservation should be a recommendation but not a regulation.

Commissioners agreed that there should be no regulation regarding the type of source lighting, but that the brightness (lumens) of such lighting could be addressed.

The majority of Commissioners believed lights that shined onto the ocean should be prohibited. Some Commissioners indicated that existing marine-targeted lighting should be permitted, but that new lights could not be installed. The majority of Commissioners indicated marine lights should be part of any lighting curfew.





City of Yachats

**PLANNING COMMISSION**

December 17, 2019

**Approved Minutes**

**I. Call to Order**

Chair Helen Anderson called the December 17, 2019 meeting of the Yachats Planning Commission to order at 3:02 pm in Room 1 of the Yachats Commons. Members present: Helen Anderson, Jacqueline Danos, Loren Dickinson, Lance Bloch, Christine Orchard, Mary Ellen O’Shaughnessey, and Doug Conner. Absent: none. Staff present: City Planner Dave Mattison. Also present: COG Planner Justin Petersen. Audience: 12.

**II. Announcements and Correspondence - none**

**III. Minutes**

**A. November 19, 2019 Work Session and Regular Meeting**

Postponed to next month.

**IV. Citizen’s Concerns**

1. Duke Tracy stated he favored providing the City Council with ideas for standards for vacation rentals should they proceed with conditional uses. He asked that the City find some way to enforce CC&Rs. Anderson clarified with Planner Mattison that he makes the applicant aware of the need to check the CC&Rs and that enforcement was the responsibility of the home owners association. Commissioner Danos noted there are many neighborhoods without an association to enforce the CC&Rs. Tracy stated they are considered when properties transfer owners.

2. Tom Lauritzen (204 Shell Street) summarized the situation with a deck built on the property near him on Shell Street where lot coverage went from being just over 20 square feet above the lot coverage amount to approximately 39% lot coverage with the 750 square foot deck built in 2019. He indicated he was told by the Planner that there was nothing that could be done now that the deck was built.

**V. Public Hearings**

**A. Variance Case #1-VAR-PC-19 Hetzler**

Anderson opened the Public Hearing for the application on Case #1-VAR-PC-19 for Linda Hetzler at 3:16 pm.

No Commissioners made disclosures or asked to abstain from voting because of possible financial gain, owning property in the notice area, having a direct personal interest, or not being able to be impartial.

1  
2 Anderson declared that all Commissioners had viewed the site and reviewed the layout.  
3 Commissioner Conner disclosed he spoke with a newspaper reporter but did not talk about this  
4 hearing. There were no other disclosures.  
5  
6 Anderson clarified with Mattison that all testimony to date has been submitted and Commissioners  
7 fell they have had adequate time to review the testimony.  
8  
9 Anderson explained the procedure for the hearing public testimony and noted that once public  
10 testimony is closed, questions to the applicant or a person who gave testimony require reopening the  
11 public testimony portion.  
12  
13 Mattison reviewed the application and his staff report. He noted the variance was for eight spaces  
14 (revised from his original report). Mattison read a letter from Barbara Corchnoy. He cited the  
15 relevant Yachats Municipal Code for this request:  
16       9.28.010 Permitted use in C-1  
17       9.48 Off-street parking and loading  
18       9.80 Variances  
19  
20 Mattison reviewed the history of the properties included for this variance request with previous  
21 cases for #1-CU-PC-14 and #1-CU-PC-17.  
22  
23 Mattison read the findings for the five variance criteria as presented in his staff report.  
24  
25 Corrections for staff report:  
26       Page 1, A.1: variance is for 8, not 6, spaces  
27       Page 1, A.2: add lot 4100  
28       Page 11, 1: reference should be #1-CU-PC-17, not #1-CU-PC-19  
29  
30 Mattison reviewed the recommended conditions of approval.  
31  
32 Anderson stated that failure to raise an issue during this hearing so that the applicant has the  
33 opportunity to respond to the issue precludes the right to appeal the matter to the Land Use Board of  
34 Appeals based on that issue.  
35  
36 Anderson opened the public testimony portion of the hearing at 3:46 pm.  
37  
38 1. Linda Hetzler, applicant  
39 Hetzler highlighted:  
40       - the amount of parking she provides compared to neighboring businesses  
41       - other businesses have been granted exceptions  
42       - she tries to be a good neighbor and community participant  
43       - the tight margins in a restaurant business  
44  
45 2. Sherry Dickenson (333 Jennifer Drive) stated there were many businesses that have exceptions  
46 and Hetzler does a lot for the community and brings people to town.  
47

1 3. Russell Stiles (311 E 2<sup>nd</sup> Street) stated the City had previously required Hetzler to remove the  
2 mobile home from lot 3100 to provide a pull-through for delivery trucks. He believed the mobile  
3 home was a health hazard. He believed Condition C of the variance criteria was not met.  
4

5 4. John Deriberprey (PO Box 724 Yachats) stated, from the view of his shop on 101, he saw cars  
6 park in his lot across the street from the Drift Inn and park in the Green Salmon lot. He believed the  
7 mobile home was not up to code. He suggested the best solution was to remove the mobile home to  
8 create additional parking.  
9

10 5. Craig Berdie (319 E 3<sup>rd</sup> Street) supported the elimination of the mobile home as it was  
11 substandard and eyesore. He suggested the parking diagrams were unrealistic. He also noted that  
12 he has never seen cars parked in the resident parking.  
13

14 Anderson invited Hetzler to respond to public testimony.  
15

16 Hetzler responded:

- 17 - She agreed there was work to be done on the parking area near the mobile home.
- 18 - She asked that the Commission not make a decision on the appearance of the home.
- 19 - The occupant of the mobile home was diabetic and that could be a reason a person found  
20 a syringe.  
21

22 Hetzler reported she was told by the previous City Planner that seasonal dining did not require  
23 additional parking, and that was how Ona added their porch seating. She speculated a parking spot  
24 could be added on the Prospect-Highway 101 lot by removing the entry portal to the building.  
25

26 Commissioner Dickinson asked if Hetzler had long-term plans for the mobile home. Hetzler  
27 explained her vision for the area and speculated the mobile home would be removed within a year.  
28

29 Dickinson asked how Hetzler planned to address truck deliveries. Hetzler asserted delivery trucks  
30 have license to park in the street and she believed cars can get around them.  
31

32 Anderson clarified Hetzler was willing to mark the spaces and provide signage for the parking area.  
33

34 Commissioner Bloch asserted that several of the issues raised could be alleviated by removal of the  
35 motor home and that Hetzler indicated she was planning to soon remove the home. He suggested  
36 removal of the home might be a solution to the issues raised. Hetzler replied that other businesses  
37 have not been asked to make this type of concession or to provide the amount of parking she  
38 provides. Bloch suggested that if other businesses had received variances and the Commission were  
39 to approve this variance, the Commission itself would be contributing to the problem. Hetzler  
40 reviewed her efforts to assist with the parking situation in the City and to improve the areas.  
41

42 Mattison stated he estimated nine spaces were lost during the Highway 101 improvements and  
43 asked Hetzler how many spaces were lost during the E 2<sup>nd</sup> Street improvements. Hetzler believed  
44 four spaces were lost.  
45

46 Commissioner Danos wanted more elucidation for the existing spaces. Danos did not believe there  
47 were four spaces in front of the old laundromat spaces. She had concern that the indicated spots



1 would remain. Hetzler indicated she would come to the Commission before she did any additional  
2 development. Anderson indicated the variance hearing was about what existed today.

3  
4 Anderson closed the public testimony portion of the hearing at 4:24 pm.

5  
6 Anderson explained the Commission will review each of the five criteria and vote on each and that  
7 if any criteria were not met, the variance would be denied.

8  
9 Danos asked for more detail on how the spaces were calculated. She clarified that Mattison  
10 measured the spaces. Mattison reported what was indicated in his staff report was changed from the  
11 original application. She suggested there was only one space on E 2<sup>nd</sup> Street in front of the home.  
12 Anderson indicated there was room for two, although it was tight.

13  
14 Commissioners wanted clarification on the history on the plans for removal of the home as previous  
15 conditional uses were not provided in the packet. Danos clarified there were no parking maps in  
16 these previous hearings. Anderson indicated that the old clinic lot had previously been counted as  
17 12 spaces and the Planner was not counting that as 8. Mattison noted that prior to the Highway 101  
18 project, there were many spaces that were partially on-street and partially off-street which the City  
19 counted as off-street.

20  
21 Danos did not see that there were three spaces in front of the old laundromat.

22  
23 Variance Criteria

24 **A. Exceptional or extraordinary circumstances apply to the property which do not apply**  
25 **generally to other properties in the same zone or vicinity, and result from lot size or shape,**  
26 **legally existing prior to the date of the ordinance codified in this title, topography, or other**  
27 **circumstances over which the applicant has no control.**

28  
29 Commissioner Conner state that the situation that exists for Hetzler applies to all businesses in the  
30 area. Commissioners disagreed about whether what was done in the past should be considered now  
31 and whether there was a circumstance that other businesses in the area did not face. Bloch  
32 suggested that the argument that the City was placing extraordinary requirements on Hetzler  
33 parking requirements due to past decisions was not valid. Danos suggested that anyone asking for a  
34 future variance would face the same criteria, so this condition was not met. Commissioners  
35 discussed how much parking businesses in the area provide. Dickinson suggested the street  
36 improvements have unusually impacted these properties. Commissioner O'Shaughnessey agreed  
37 with Dickinson and noted no one can meet the parking requirements at present.

38  
39 Is Criterion A met? Aye – 4; No - 3 (Bloch, Danos, Conner).

40  
41 **B. The variance is necessary for the preservation of a property right of the applicant**  
42 **substantially the same as owners of other property in the same zone or vicinity possess.**

43  
44 Bloch asked what property right was not allowed without the variance. Anderson suggested the  
45 property right was to allow the operation of the business. Anderson noted that if Hetzler cannot  
46 provide enough parking, Hetzler was in violation of her previous conditional use. Bloch suggested  
47 that the only property right he was seeing was the right of someone to live in the mobile home.  
48 Conner agreed with Bloch. Orchard suggested the Commission did not ask Luna Sea to remove

1 outdoor seating when the Commission granted their variance. Bloch believed the arguments in  
2 favor were circular. Mattison stated by zoning law, Hetzler has a right to use her property as a  
3 business. Bloch asked why she would not be able to run her business without the variance.  
4 Anderson reviewed the steps on how this hearing arose. Conner clarified that there were options to  
5 provide the parking needed so there was not a necessity for this variance as she has other options.  
6 Bloch suggested that there was an argument that the Commission had to pass this variance or  
7 Hetzler would have to shut down part of her business. Anderson noted the Commission has the  
8 power to specify a remedy but does not have the power to say how that remedy is made. Bloch  
9 suggested that arguments in favor were laying a foundation to force acceptance of every variance.  
10 Orchard noted that the criterion was stated as a comparison to others in the area.

11  
12 Danos asked if the Commission could put a request for a site plan should any future changes be  
13 made. Mattison indicated there were standards for site plans. The Commission asked Mattison to  
14 add “site plan” to Condition 1 to read, “...parking, a site plan, and approval by the Yachats  
15 Planning Commission.”

16  
17 Is Criterion B met? Aye – 5; No - 2 (Bloch, Conner).

18  
19 **C. The variance would not be materially detrimental to the purposes of this title, or to**  
20 **property in the zone or vicinity in which the property is located, or otherwise conflict with the**  
21 **objectives of any city plan or policy.**

22  
23 Bloch stated if the parking policy in the City was a problem, this criterion was an issue. Anderson  
24 asked Mattison for clarification on the recommendation in his report. Mattison read his statement  
25 and noted this variance was “no more detrimental to the properties in the area.” Danos suggested  
26 that few parking spaces is detrimental to the area; however, Hetzler was previously told she had  
27 parking she does not have.

28  
29 Is Criterion C met? Aye – 6; No - 1 (Bloch).

30  
31 **D. The variance requested is the minimum variance which would alleviate the hardship.**

32  
33 Is Criterion D met? Aye – 7; No – 0.

34  
35 **E. The hardship asserted as a basis for the variance does not arise from a violation of the**  
36 **zoning ordinance.**

37  
38 Mattison explained his opinion was that it was the Commission’s assessment of the parking  
39 situation that brought this issue to the fore. Conner clarified that Hetzler has not been cited for a  
40 violation.

41  
42 Is Criterion E met? Aye – 6; No - 1 (Bloch).

43  
44 Anderson summarized that the Commission as a body has decided the criteria are met. She asked  
45 about other criteria to put into the conditional of the conditional use. Commissioners asked to add a  
46 criterion for signage for traffic flow at all points of ingress/egress on Lot 3100  
47

1 Danos asked how the Commission would address a situation where, upon the completion of the  
2 preparation work to create the parking as specified in the staff report, there are not as many spaces  
3 as specified. Anderson indicated that would be a violation of the variance and it would be revoked.  
4

5 Conner asked that Hetzler not erect a fence that would limit the views of others. Anderson did not  
6 see where a new fence was needed. The Commission discussed the wood fence to the east of the  
7 mobile home on Lot 3100. Bloch noted there was an area where a fence exists that would intrude  
8 with parking as indicated on the map. Commissioners agreed that fence would need to be removed.  
9 Commissioners agreed there was not a need for sight obscuring fence between the mobile home and  
10 the parking to the west. Danos reiterated her concern about losing spots when the plan was  
11 implemented. Dickinson noted that the parking bumper occurs within the parking stall.  
12

13 Dickinson asked when and who checks the installation once it was complete. Mattison indicated  
14 Hetzler would let him know when she was done, and he would go review the improvements.  
15

16 Anderson suggested creating a new Condition 3 stating, “signage indicating traffic flows for one-  
17 way direction” and renumbering the other Conditions.  
18

19 Commissioners suggested a Condition 6: Planner will report to the Commission about the results of  
20 the inspection before the deadline of one year.  
21

22 Dickinson moved to approve variance application Case #1-VAR-PC-19 with the conditions as  
23 amended and to direct the City Planner to prepare the findings: Aye – 6; No – 1 (Bloch).  
24

25 Mattison announced there is a fifteen-day appeal period.  
26

27 Anderson closed the public hearing at 5:24 pm.  
28

## 29 **VI. Business**

30 Anderson reminded Commissioners that the City Manager will be at the next work session to  
31 discuss Admin Policy 6 and code enforcement.  
32

## 33 **VII. Planner’s Report**

34 Mattison summarized his report in the meeting packet.  
35

## 36 **VIII. Other Business**

### 37 **A. From the Commission**

38 Danos reported she may not be in attendance at the January 21, 2020.  
39

40 Anderson announced the State of City is January 12, 2020 at 2:00 pm. She stated there was a  
41 training on January 30, 2020 from 9:00 am to 3:00 pm that the City Manager was strongly  
42 encouraging all volunteers to attend.  
43

44 Danos indicated she would send her ideas for goals directly to the Council. She indicated she  
45 wanted to address the Comprehensive Plan, including Citizen Involvement, and water security.  
46

47 Conner stated that Title 9 contains the implementation of the Comp Plan, so there was policy in the  
48 Comp Plan that was not being enforced. Danos asked what the status was with COG reviewing the  
49

1 code to find missing implementation. Anderson suggested asking the City Manager at the next  
2 meeting.

3  
4 Danos added that ORS 227.090 contains a lot more that the Commission was not doing.

5  
6 **B. From Staff - none**

7  
8 Anderson adjourned the meeting at 5:32 pm.

9

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13 \_\_\_\_\_  
Helen Anderson, Chair

\_\_\_\_\_ Date

14

15 Minutes prepared by H H Anderson on January 17, 2020.



City of Yachats

## YACHATS PLANNING COMMISSION

December 17, 2019

### Work Session Draft Minutes

Vice-Chair Lance Bloch called the December 17, 2019 work session of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Doug Conner, Helen Anderson, Lance Bloch, Jacqueline Danos, Christine Orchard, Mary Ellen O'Shaughnessey, and Loren Dickinson. Absent: none. Staff Present: City Planner Dave Mattison. Also present: COG Planner Justin Petersen. Audience: 7.

#### **I. Quasi-Judicial Hearing**

Bloch noted the lighting discussion has been moved to later in the agenda.

Commissioner Anderson explained the memo in the packet was included to remind Commissioners that they are to only make decisions in quasi-judicial hearings based on what is presented at the hearing. Commissioner Orchard explained this memo arose from previous Commissions not being clear about what the basis for a decision was. She noted the sentence highlighting that decisions can only be made on current code requirements. Anderson elaborated on the concept that Commissioners act as jurors, noting that they can request that the Planner put certain information in the packet. She stressed the importance of correcting a staff report prior to the hearing, as the Planner could update the staff report prior to the hearing.

Anderson highlighted that once the public testimony is closed, the Commissioners are to deliberate among themselves and not ask the applicant or others in the audience questions. She noted she can reopen the public testimony for additional questioning if needed. Anderson suggested the structure of the hearing favors the applicant in that they cannot add information against the case unless someone in the audience testifies to such a matter. Commissioners Danos clarified that they can refer back to previous Commission decisions.

Planner Peterson reported the state can provide trainings on Planning 101 or more specific issues. He noted they could also conduct a mock hearing. Peterson added that a professor who teaches the land use at the University of Oregon was willing to conduct trainings at a cheaper rate than what the League of Oregon Cities can provide.

Bloch stated that training would be very helpful, especially for some of the newer Commissioners. Commissioner O'Shaughnessey stated that know the process was essential as that was more often the reason for successful lawsuits.

1  
2 Bloch referred to the clause in the memo stating, "...regardless of public comments and  
3 regardless of Commissioners' own opinions, the Planning Commission must comply with  
4 already established policies and land use regulations." He noted the Commission operates under  
5 a policy of protecting the health and safety of citizens. He asked if someone testifies to a safety  
6 issue, could that be a basis for denial. Petersen stated there are normally standards and the staff  
7 report should provide an indication of whether standards are met. He suggested that the health  
8 and safety criteria does allow for some flexibility.  
9

10 Anderson provided a hypothetical example of a conditional use where someone testifies that cars  
11 speed in the area, the road is dangerous, and children regularly cross the road in that area. She  
12 asked if health and safety could be applied to this situation. Petersen indicate that it could  
13 potentially be used and that might be an instance of when a continuance is used for the Planner to  
14 gather additional information. Petersen suggested it would be better to continue the meeting  
15 rather than making the decision on the testimony alone. Mattison stated the Commission can use  
16 information provided through public testimony can be used as a basis of a decision. He suggested  
17 that the appellant simply stating they do not like the proposal was not sufficient, but if they stated  
18 reasons for why it would be detrimental to their neighborhood could be considered.  
19 Commissioner O'Connor clarified that that the Commission can consider policies in the  
20 Comprehensive Plan in their decision making. Peterson suggested that the Comp Plan must be  
21 specifically mentioned in the conditional use criteria for the Comp Plan to be used.  
22

23 Danos suggested the Commissioners could use training in the larger question of what planning  
24 encompasses.  
25

26 Bloch noted that for variances, there were five criteria listed in the staff report and it does not  
27 mention the Comp Plan. Mattison noted that the code does state that for variances, the proposal  
28 must comply with any city plan or policy.  
29

## 30 **II. Conditional Use for Vacation Rentals**

31 Anderson explained that the Council has asked the Commission to look into establishing a  
32 conditional use for vacation rentals in the residential zones. She noted the decision to proceed  
33 this way was not final and the Council has yet to provide any criteria upon which a decision  
34 could be made. Anderson suggested Council could ask the Commission to make  
35 recommendations about criteria or standards.  
36

37 Bloch noted the discussion at the Council meeting included a discussion of unlimited vocational  
38 rentals in zones R-4 and C-1. Anderson noted the caps were considered in Title 4 and not Title  
39 9. Bloch had concern about an interaction between zoning and allowing vacation rentals.  
40 Orchard clarified that currently vacation rentals can exist in residential zones as long as a license  
41 is available. Danos added that the criteria for vacation rentals are part of Chapter 4.08.  
42 Commissioners discussed items that could be part of a conditional use criteria. Conner clarified  
43 that a conditional use permit does not expire unless a property changes the conditions of the  
44 conditional use. Bloch noted a recent conditional use for a bed and breakfast when the house was  
45 for sale. Bloch suggested it was odd that a conditional use would remain with a property while a  
46 license would expire upon the sale of a property.

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Orchard clarified that there were no regulations around long-term rentals.

Dickinson clarified that the annual review by the Planner on a conditional use was to determine if there were changes in the conditional use. Anderson asked Mattison how he conducted a conditional use review. Mattison indicated that if a conditional use was not operational for one year, the conditional use is void.

Mattison noted the attorney was looking at how the standards in Title 9 meshed with the standards for a vacation rental in Chapter 4.08. Conner suggested the workload of the Planner would be impacted if vacation rental conditional uses had to be reviewed annually. Commissioners discussed the possible areas where vacation rentals could be added to the R-4 zones.

Bloch adjourned the work session at 2:49 pm.

\_\_\_\_\_  
Lance Bloch, Vice-Chair

\_\_\_\_\_  
Date

Minutes prepared by H H Anderson on January 8, 2020.

DRAFT