

Norm & Shelley Cimon
1208 First Street, La Grande, Oregon 97850/
503 Coolidge Lane, Yachats, Oregon 97498

City Planner Katherine Guenther
PO Box 345
501 N. Highway 101
Yachats, Oregon 97498

Jun 7, 2021

Dear City Planner Guenther,

We are responding to Yachats' call for written testimony prior to the June 15th public hearing. That hearing is in regards to the conditional use permit requested by Drew Roslund of Grand Pacific LLC. There are a number of issues we'd like to address along with a broader discussion about the future of Yachats and it's planning decisions.

Overview

The need for workers who could service both the Overleaf and the Fireside is something many businesses are having to deal with, and not just in Yachats. While it is understandable that Grand Pacific LLC would be searching for a way to entice service personnel in order to meet that need, the implications for the gradual slope leading down to the 804 Trail, and to the adjacent spruce bog that provides drainage through our property and that of others, must be properly considered.

There is also the larger issue of scattershot development with commercial businesses embedded in a residential zone and what had been a lack of clear guidelines for residential site development which Yachats should seek to address.

Yachats Municipal Code

Under a strict reading of the City's municipal code (9.68.020.A.4), a

Manufactured dwelling shall be permitted only in the following locations:

...As temporary dwellings during the construction of a permitted use for which a building permit has been issued

As such, any application requires a building permit for such a permitted use. That is not what the applicant is requesting. The application narrative makes no mention of *construction of a permitted use for which a building permit has been issued*. The City's legal representative should be made aware of this failing during the initial consideration of this permit proposal.

Without that permit, this application is problematic at best. Nevertheless, we feel compelled to

highlight additional questions about the proposal in what follows.

Ecology and hydrology of the site proposed for placement of RV pads

The Coast Range immediately adjacent to Highway 101 is very steep. That gradient, coupled with abundant rainfall¹, leads to plentiful runoff during the rainy season. The result is significant surface flow across Highway 101, over and along both sides of Coolidge Lane, and through the remnant spruce bog to the north, that separates the Fireside Resort from the homes on that street. Along with other residents, we've participated in efforts to rectify the damage done to the gravel road, paying to have the lane re-surfaced and the deep potholes graded and filled.

That runoff floods the bog during the rainy season. The stream that emerges from the swale formed by that water, flows between the Fireside Resort and the homes on Coolidge Lane before crossing the 804 trail and eroding part of it. That happens most years. That spruce bog can absorb a lot of water, greatly reducing the force of that runoff. It's an important buffer for the homes and the commercial facilities and the residences below the proposed project placement, including the Fireside.

Implications for City of Yachats Comprehensive Land Use Plan

Under plan Goal A – Protection of Natural Resources, Policies #1, #4, #11, and #13 are likely to be compromised given the scope of the proposed conditional use:

- #1: water quality will be degraded with the removal of trees and runoff from the placement of the RV pads directly into the bog drainage
- #4: there is a probability of significant erosion to the 804 right-of-way and the State Trail it harbors
- #11: a well-established forest stand, one of value to the City and to the property owners all along Coolidge Lane, will be degraded, with a significant number of the trees removed from what is currently a coherent spruce bog that moderates the flow of water
- #13: the small creek that emerges from the swale will not be protected from that damaging runoff which will, in all likelihood, lead to more erosion in the adjacent properties

Figure 1 below shows the area of concern.

1 Average annual rainfall for Yachats, Oregon is 77.69 inches, and totals of over 100 inches are common.



Figure 1: Spruce forest & bog with active drainage from the Coast Range (Google Maps)

Storm water management infrastructure

Under Goal E – Protection from Natural Hazards and Disasters, Policy #9, it is incumbent that planners insure the development of storm water management infrastructure if a use is to be permitted. Project cost estimates should clearly reflect that requirement and delineate mitigation measures. The planning department must assure that is the case for this proposal.

Additional issues specific to this proposal

- We question the wisdom of granting a conditional use permit based solely on the individual need for more workers. The changing reality of growth in Yachats demands that the code be explicit and fairly administered throughout the City. We also believe that it is not the City's job to grant individual permits based solely on the arbitrary support for a specific business model. Moreover, this proposal does not provide for hiring local residents. It fails to address that city-wide issue. Such a piecemeal approach will not serve the community that is Yachats.
- We also question the notion that this proposal will not set precedent. The City of Yachats will not be able to defend a decision of this nature as a one-off. This proposal will set precedent. If permitted, it can and probably will be used to successfully argue future proposals by other commercial interests before the Land Use Board of Appeals. It short, it opens the door to other businesses requesting the same kinds of favors from Yachats. The current code, (9.68.020.A.4), was crafted and enacted in response to a successful, permanent, RV citing in an R4 zone just to the south of Coolidge on Lemwick Lane. It took changing that code to close the loophole.
- We believe that the notice of the hearing should have been sent to all residents in Yachats as it

brings into question issues of livability, sustainability and the overall plan for the community. An incoherent approach to zoning has been problematic in the past and it needs to be properly addressed in the future.

- Under Chapter 9.68, the detailed definition of what constitutes an RV will require the City of Yachats to continually arbitrate the flow of those vehicles into the proposed site. Whose responsibility will that be? Will there be a constant rotation of RVs, vehicles and people? What impact will that have on the residential neighborhoods located on both sides of that site?
- There is no identified limit to the number of people who will be living in each trailer and there should be. Will the City of Yachats then be able to police those permit limits which quantify the number of people in each unit?
- In the past, we have found people who work at the Fireside sitting on our deck having a cigarette while on break. Will seasonal, transient workers be trained to respect the surrounding residential communities? Will that be part of the permitting requirements?
- What would the timeframe be for this proposed conditional use were it to be permitted? Will it be short-term as stated, and will the timeframe to sunset the use be clearly indicated?
- If there is an underlying development goal, it should be declared. As we pointed out in the first section about the Yachats municipal code, this use does not meet the requirements of 9.72.030 which necessitate a building permit for a permanent structure to be in hand. Is such a structure planned?
- An evaluation of potential impacts to the surrounding landowners should be conducted. The removal of a significant number of forest trees will adversely impact the property values while degrading the overall stand structure and the integrity of this small but important watershed. How many trees will be removed?
- Section 9.76.080 of the municipal code establishes property lines and regulations on the size of lots. This proposal does not put forth the boundary for a continuous area that meets the criteria set by the code. Is that a violation?

Planning for Yachats in the future

It has been our observation in the twenty-plus years of home ownership in Yachats, that the city has been trying to catch up to the demands of planning. Given the desirability and the scenic beauty of the Oregon Coast, it is easy to see why. Those demands have only grown over time, and there have been successful attempts to take advantage of the gaps and ambiguities in the municipal code. We've been informed about, and witnessed, the way that different interests have undermined the code. That leads us to suggest the following:

- Public engagement in a formal re-visioning process for the City of Yachats, one that results in

regularly updated five and ten year comprehensive land use plans. That process can then inform other public policies tailored to addressing the livability and affordability of a what should be a robust community conversation.

- The City of Yachats should pro-actively look to other like-sized cities in a continuing review of Yachats' municipal code for any potential ambiguities and loopholes that could be exploited.

Thank you for your time on this.

Yours sincerely,

Shelley Cimon

A handwritten signature in cursive script that reads "Shelley Cimon".

Norm Cimon

A handwritten signature in cursive script that reads "Norm Cimon".