

1 **YACHATS PLANNING COMMISSION**

2 November 27, 2018

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4 **Work Session Draft Minutes**

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6 Vice-Chair Ron Urban called the November 27, 2018 meeting of the Yachats Planning Commission  
7 to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen  
8 Anderson, Ginny Hafner, James Kerti, Mary Ellen O’Shaughnessey, Shelly Shrock, and Lance  
9 Bloch. Absent: none. Staff Not Present: City Planner Larry Lewis. Audience: 4.

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11 **I. Comprehensive Plan Amendments**

12 Commissioner Urban reported he looked up “ridgeline,” and several other Commissioners indicated  
13 they looked up the word as well. Commissioner Anderson added that her research indicated that  
14 ridgelines were commonly addressed in other jurisdictions under the more general category of view  
15 sheds.

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17 Urban suggested, while Councilor Berdie’s suggestions were appropriate and useful, Berdie’s  
18 recommendations should be treated separately from the Comp Plan review, and Council should  
19 inform the Commission of it’s priorities based on their goals. Anderson asserted many of Berdie’s  
20 suggestions were more Council policy decisions rather than decisions for the Planning  
21 Commission. Anderson recalled Commissioner Hafner had previously expressed concern that  
22 Councilor Berdie was not representing the entire Council position, only his perspective.  
23 Commissioner Bloch had the opinion that the Council had directed Councilor Berdie to speak for  
24 them at the Planning Commission. Commissioners had different opinions on this topic, and  
25 speculated that several Councilors had not read the Comp Plan. Bloch had concern that this issue  
26 was going to go back and forth between Council and the Commission without any action being  
27 taken. Anderson suggested the new Council might be more able to give clearer directives to the  
28 Commission.

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30 Anderson suggested she could draft a memo to Council stating they should accept or deny the  
31 previously proposed Comp Plan update, then direct the Commission on what the points they want  
32 the Commission to address. Urban indicated he was not comfortable acting on any of Councilor  
33 Berdie’s comments, and other Commissioners agreed.

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35 Anderson noted under Goal E, Proposed Actions d and e do contain a redundancy and wondered if  
36 Action e was supposed to be removed when “building permits” were added to Action d. Bloch  
37 suggested a distinction between subdivisions and building permits. Commissioner Shrock agreed  
38 the original intent might have been to merge Action e into Action d. Hafner wanted to proceed with  
39 the memo to Council. Shrock suggested attaching Councilor Berdie’s handout to the memo.

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41 **II. Sign Ordinance**

42 Urban expressed frustration with the attorney’s position on content-based regulations. Bloch did  
43 not agree with the argument that simply reading a sign meant the sign was being content-based  
44 regulated. Anderson suggested if they took the attorney’s comments in full, signs could only be  
45 regulated based on placement, such as on a building or a roof. Kerti added that the attorney’s  
46 definition would allow regulation based on materials. Urban added that one must read a sign in  
47 order to determine whether it was a sign. Urban suggested that the Commission would be  
48 guessing at what would be acceptable to the attorney without getting greater direction from the  
49 attorney.

1 The Commission agreed to that seasonal could replace holiday per the attorney’s suggestion.  
2 Urban added that the Commission could eliminate that remainder of that sentence.  
3  
4 Anderson noted Manager Beaucaire had indicated the Commission could disagree with the  
5 attorney if they had justification. Anderson suggested the Commission go ahead and include  
6 regulations that might not meet all of the opinions of the attorney. Commissioner O’Shaughnessey  
7 noted the decision was one of risk assessment, as anyone could sue over anything. She asserted  
8 when the attorney stated something was a violation of Supreme Court law, the Commission  
9 definitely needed to pay attention. Urban noted the attorney’s comment for off-premises signs was  
10 that the regulation was “black letter unconstitutional over Oregon Supreme Court law.” Urban  
11 suggested the attorney should suggest a means to accomplish the goal in a legal manner.  
12  
13 Hafner recalled that the attorney had suggested they Commission use the Model Sign Ordinance to  
14 draft its sign code language. Bloch noted how lawyers constantly disagree with each other and  
15 their positions are opinions. Bloch asserted the attorney’s definition of content-based regulations  
16 was too restrictive.  
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18 9.44.010: change “holiday” to “seasonal” and delete, “temporary interior window signs, or  
19 the display of the national or state flag.”  
20 9.44.020 Definitions: Linear Street Frontage: add “with adjoining street frontage: to read,  
21 “Linear Street Frontage’ means the contiguous tax lots, with adjoining street frontage,  
22 under single ownership on which the business is located.”  
23  
24 Kerti asserted other cities have been dealing with this same issue, and he believed Yachats should  
25 stick as closely as possible to what the attorney recommends. Kerti suggested the content-based  
26 regulations the attorney has cited were not critical or essential to the City’s sign code. Urban  
27 suggested the attorney or someone else should help the Commission with ways to approach the  
28 regulations.  
29  
30 Kerti referred to the Reed case where a directional sign was deemed unconstitutional.  
31 Commissioners discussed the potential difference between the sign in the Reed case and those  
32 that have a blanket application like an Open-Closed sign.  
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34 Commissioners discussed how to proceed revising the sign code and agreed to study the Model  
35 Sign Ordinance before the next work session.  
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37 Urban adjourned the work session at 3:01 pm.  
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43 Ron Urban, Vice-Chair Date  
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45 Minutes prepared by H H Anderson on December 15, 2018.