

YACHATS PLANNING COMMISSION

December 18, 2018

Work Session Draft Minutes

Vice-Chair Ron Urban called the December 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, Ginny Hafner, James Kerti, Mary Ellen O'Shaughnessey, Shelly Shrock, and Lance Bloch. Absent: none. Staff Present: City Planner Larry Lewis. Audience: 5.

I. Sign Ordinance

Commissioner Urban suggested the Commission use their previous work on the sign ordinance to guide which sections of the model ordinance to incorporate into a new ordinance. Commissioner Anderson asked Commissioners if they wanted to begin with the existing draft and incorporate language from the model ordinance or to begin with the model ordinance and decided which sections to keep. Commissioners agreed to start with the existing draft ordinance and adjust that with language from the model ordinance.

Commissioner O'Shaughnessey suggested incorporating a Statement of Purpose. Commissioner Bloch observed both documents covered the same general topics and highlighted the need to refine the definition of a sign. Bloch also believed the incorporation of language around dynamic signs would be useful.

Commissioners reviewed the history of getting to this point with the draft, including starting with the recently revised Waldport sign code.

O'Shaughnessey suggested the Commission would need to assess the risk with particular items noting the legal distinction of strict scrutiny versus intermediate scrutiny. Anderson asserted the attorney had applied the strict scrutiny standard.

Anderson noted the difference between sign content and sign function, suggesting one has to read a sign to determine its function.

Planner Lewis recommended that the Commission keep the language "friendly" so that residents and staff can understand the requirements. Commissioner Kerti stated this argument would be a reason to work based on the Commission's draft.

Bloch read the definition of a sign from the model ordinance, "A Sign means a display, illustration, structure, or device that has a visual display, visible from a public right of way, and designed to identify, announce, direct, or inform. The scope of the term sign does not depend on the content of the message or image being conveyed.

Commissioners discussed the inclusion of the clause, "visible from a public right of way." Bloch suggested that this clause was superfluous, although signs inside a building would not be regulated and are not visible from the outside. Anderson clarified that a parking lot was not a public right of way. Anderson suggested that any regulations for residential signs would not apply to homes on the private streets in town. Lewis noted they City has historically treated these private streets as public. Lewis provided an example of a regulated sign for a bed and breakfast that would not be regulated if the "visible from a public right of way" clause was applied. Kerti asserted the concern of the Commission was to protect citizens and noted the limitations on flashing lights would also not apply. Lewis noted code around building was based on the lot and not the access street.

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2 Commissioners agreed to use the definition from the model ordinance with the stipulation that they
3 re-examine the "visible from a public right of way" clause as it relates to private streets with input
4 from the attorney. Kerti added there could be situations where a home was on a private street had
5 a sign that was visible from a public right of way.
6

7 Urban noted there was a Statement of Purpose in the old Code, Section 9.44.010 Purpose, that
8 might have been inadvertently omitted in the draft language. Anderson read Section 9.44.010.
9

10 Lewis indicated he had not previously seen "findings" in the Code itself. He recalled findings are
11 usually presented as part of the staff report as part of a hearing. Anderson asked Lewis if having
12 findings as part of the code make a difference when the City Planner prepares a report. Lewis
13 stated it could but it would not change what he has to prepare. Urban recalled the Commission
14 added some finding when they reworked the code on shoreland setbacks. Lewis noted the
15 findings could be very important in the event of an appeal of a decision. Urban noted the findings
16 and purposes can get redundant. Bloch asserted that it could be helpful to people if the rationale
17 for the code was part of the code.
18

19 Anderson asked Commissioners to review the section on Findings (items a through i) in the model
20 ordinance and be prepared to decide which statements to include in the draft ordinance at the next
21 work session.
22

23 Commissioners compared the purposes in the draft sign code to those in the model ordinance.
24 Kerti suggested borrowing some language from the model ordinance "Item a." The Commission
25 agreed to replace the current draft ordinance Purpose C (9.44.010) with "Item a" from the model
26 ordinance.
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28 Commissioners agree to have a special work session in January 2019 to focus on this ordinance.
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30 Urban adjourned the work session at 2:57 pm.
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37 _____
38 Ron Urban, Vice-Chair

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37 _____
38 Date

39 Minutes prepared by H H Anderson on January 5, 2019.
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YACHATS PLANNING COMMISSION

December 18, 2018

Draft Minutes

Chair Helen Anderson called the December 18, 2018 meeting of the Yachats Planning Commission to order at 3:05 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Ginny Hafner, Lance Bloch, Shelly Shrock, Mary Ellen O'Shaughnessey, and James Kerti. Absent: none. Staff present: City Planner Larry Lewis. Audience: 11.

I. **Announcements and Correspondence – none**

II. **Citizen's Concerns**

Nathan Barnard (Yachats Brewing and Farm Store) wanted to clarify with the Commission issues around building permits. Barnard referred to the September 18, 2018 Planning meeting where the Commission discussed the ordinance to not issue business licenses if there was no occupancy permit. Barnard believed the attorney had conveyed to the Commission that developing an ordinance based on the activity of one business was unconstitutional. He held the position that other businesses were not engaging in unpermitted work because of his business. Barnard stated he has had multiple inspections, including electrical, plumbing, boiler, Department of Agriculture and others. Barnard asserted he spending considerable money to hire an attorney an architect to meet the requirements of the City.

Barnard claimed his building had been certified as safe by an architect (reference letter December 10, 2018). He reported his licensed architect was certifying the building as "built to code." Barnard acknowledged there was a piece of the building permit that he has not completed. Anderson clarified that Barnard was stating he had electrical and building permits and inspections. Barnard stated he could show proof of those inspections.

Anderson told Barnard that the Planning Commission was only concerned with buildings being safe, and that standard was assessed by having been permitted and inspected. Barnard argued the permitting process for commercial permits, which he believed seriously obstructed his ability to get his business operational. He reported he took the risk to proceed and informed the County Building Inspector of that decision. Barnard indicated he has accepted the City's system for requiring permits.

Commissioner Bloch asked Barnard to briefly state where he stood in getting the permits. Barnard reported he met with attorneys and Building Inspector Ames where they agreed he would gather "as built" drawings of the building and have engineering done to confirm the building was built to spec. He also provided information a few issues that might need to be addressed. Barnard reported that it took his architect significantly more time than anticipated to get all of the drawings and certifications together. Barnard indicated they were on track to submit for building permits by the week of January 14, 2019. Bloch suggested Barnard keep the Commission apprised of the status of this step.

Barnard claimed the City Attorney had threatened to shut him down. Barnard reported he found it difficult to work with County Inspector Ames and felt targeted by Ames.

Barnard reported he recently had an issue with a sewer line damaged by contract workers when the highway improvements were made. He claimed the City told him that they were not going to help him with the repair. Anderson noted the City had arranged with the contractor to cover Barnard's costs.

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2 Barnard asserted that he was asked by Inspector Ames to get a permit for re-roofing this building
3 and that no other business in the City has ever had to have a permit for re-roofing. Anderson
4 indicated the County has told the City that other businesses have obtained permits. Barnard
5 asserted he "pulled permits" with the County and there were no other roofing permits. He believed
6 he was singled-out by the City in obstructing his efforts to renovate this building.
7

8 Barnard asked if it was appropriate for a member of the Commission to individually investigate
9 code violations. Anderson explained any citizen can research public records about permits, and
10 enforcement issues were handled by the Code Enforcer and the City, not the Commission.
11

12 Craig Berdie (319 E 3rd Street) indicated he reviewed the Planning minutes and wanted to clarified
13 that he came to the Commission as a Council member. He believed the Council delegated to him
14 the authority to speak for the Council. Berdie suggested the Planning Commission and City
15 Council needed to work more closely together. He noted the Council did develop goals in October
16 2018, so the argument that the Commission had not been given clear goals was not correct. He
17 recommended that the Commission set their priorities based on the Council goals.
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19 **III. Minutes**

20 **A. November 27, 2018 Work Session**

21 Page 1, Line 19: no apostrophe on "its"

22 Page 2, Line 1: "agreed to that seasonal" should be "agreed that seasonal"

23 Page 2, Line 13: "they Commission" should be "the Commission"

24 Page 2, Line 2: "that remainder" to "the remainder"
25

26 Commissioner Hafner moved to approve the November 27, 2018 work session minutes as
27 amended: Aye – 7; No – 0.
28

29 **B. November 27, 2018 Regular Meeting**

30 O'Shaughnessey was present; Lewis and Beaucaire were not present

31 Page 2, Line 7: unclear to which "she" – revise to "Anderson had not heard back"

32 Page 1, Line 23: "manger should be "manager"

33 Page 1, Line 45: "that she was aware" should be "than she was aware"

34 Page 1, line 43: "Danos she" should be "Danos stated she"
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36 Urban moved to approve the November 27, 2018 Planning Commission meeting minutes as
37 amended: Aye - 7; No – 0.
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39 **IV. Planning Commissioner Interviews**

40 **A. Doug Connor**

41 Connor stated he wanted to contribute to the City and believed the Planning Commission matches
42 his skill set. Kerti asked Connor how his appearances before the Commission have impacted his
43 decision. Connor reported he has become familiar with sections of code and had appreciation for
44 the complexity. Urban stated the Commission has a limited scope of work and asked if Connor
45 understood the limitations of what the Commission could do. Urban also noted Planning
46 Commissioners have to annually file with the Oregon Ethics Commission. Connor indicated he
47 was comfortable with the system and with the filing. Anderson asked Connor if he would be
48 amenable to recusing himself or be impartial should the Commission have a hearing on the topics
49 he has brought to the Commission.
50

51 **B. David Johnson**

1 Johnson asked to withdraw his application as he would like to get more experience in attending
2 meetings before becoming a member. Commissioners suggested Johnson begin reviewing the
3 Code.

4
5 Urban moved the recommend to the City Council that they appoint Doug Connor to the Planning
6 Commission: Aye – 7; No – 0.

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8 **V. Public Hearing on Title 9 Zoning and Land Use – Section 9.52.030 and Chapter 9.64 Clear**
9 **Vision Standards**

10 Anderson reported they had not received information from the attorney regarding the amortization
11 section. Anderson continued the public hearing to the January 15, 2019 at 3:00 pm.

12
13 **V. Planner's Report**

14 Lewis reported he received today three permit applications: a conditional use application for a Bed
15 and Breakfast, an addition to a single family dwelling, and a new family dwelling.

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17 **VI. Other Business**

18 **A. From the Commission**

19 Anderson thanked Lewis for his service to the Commission. She announced they City has
20 contracted with a person to do temporary Planning and Code Enforcement. She indicated this
21 person had been the Planner in Tillamook.

22
23 Anderson also thanked Shelly Shrock and Ron Urban for their service as they were not renewing
24 their terms. Anderson also thanked Ginny Hafner, who will be resigning as of December 31, and
25 James Kerti, who will be moving to the Council.

26
27 Anderson indicated she passed around a handout of a draft memo to Council on the Comp Plan
28 update. Commissioners consented to sending the document.

29
30 Commissioners agreed to set the special work session date at the January 2019 meeting so the
31 new Commissioners could vote.

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33 **B. From Staff - none**

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35 **C. From the Floor - none**

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37 Anderson adjourned the meeting at 4:11 pm.

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43 _____
Helen Anderson, Chair

_____ Date

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45 Minutes prepared by H H Anderson on January 5, 2018.