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**CITY OF YACHATS
PLANNING COMMISSION**

June 20, 2017

Work Session Minutes

Vice-Chair Ron Urban called the June 20, 2017 work session of the Yachats Planning Commission to order at 2:00 pm in Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Christine Orchard, JD Deriberprey, Ginny Hafner, James Kerti. Absent: Shelly Shrock. Audience: 6.

I. Discussion Topics

A. Comprehensive Plan Goal B

Vice-Chair Urban stated he did not see any changes needed in Goal B. Commissioners Hafner and Kerti concurred.

B. Comprehensive Plan Goal C

Urban reported “anadromous fish” are fish that swim upstream. Anderson asked if the specific numbers are appropriated in Policies 3 and 4. Commissioner Deriberprey reminded Commissioners that the Plan should not have detailed requirements that belong in the Municipal Code. Commissioner Orchard concurred with Deriberprey. Urban noted YMC 9.52.070 D1 and D3 address the points in Policies 3 and 4, topics that the Commission updated three years ago.

Deriberprey explained the Plan Goals contain the overriding policies that should be followed while the YMC addresses how to implement that policy.

Commissioner Kerti instructed Commissioners how to locate the YMC in the new document library system.

Commissioners discussed the setbacks and zones along streams and ocean bluffs. Urban suggested combining Policies 3 and 4 into a general statement. Orchard noted the YMC separated the requirements for rivers versus oceans.

Hafner noted the Code sections do not address noxious weeds and invasive plants. Anderson noted Policy 4 reads, “wherein existing stabilizing vegetation shall not be removed,” but a reference to vegetation is not included in the YMC. Urban suggested vegetation is addressed later in the section. Anderson argued that YMC section D1 referred to “Ocean Protection Standards” while Section D2 referred to “Riparian Corridor Protection Standards,” and D1 does not mention vegetation removal.

Commissioners discussed the sentence, “Setbacks shall be a minimum twenty-five (25) feet from the top of the bank or greater if recommended by an Oregon certified engineering geologist” from D1. Kerti suggested a comma after “bank” may be needed to clarify the statement to indicate a greater setback may be needed if a geologist requires it, not that a minimum setback is needed only if a geologist recommends it.

Orchard noted Section E on exceptions addresses vegetation. Anderson believed Section E was for exceptions to items previously set in A through D, but if the earlier sections did not mention something, there could be no exception to it. Anderson asserted the question to be answered is whether language is needed in the code to address the removal of stabilizing vegetation for ocean bluffs. Urban noted YMC 9.52.090 addressed shoreline stabilization. Orchard indicated she could not find a specific reference to the 25 ft buffer in 9.52.090. Commissioners discussed if “riparian” could refer to oceans

1 based on definitions established in the code and noted the definitions in Section B of the Code separate
2 oceans from "rivers, streams, and significant wetlands."

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4 Orchard asked for clarification on whether a requirement could exist in the Comprehensive Plan but not
5 be addressed in the YMC.

6
7 Commissioners agreed the Plan should be changed to two simple statements about protections to
8 replace Policies 3 and 4.

9
10 Urban noted Policy 5 is the same as YMC 9.52.090. Anderson did not believe that Policy 5 was too
11 specific and was instead giving a framework for prioritizing activities. Orchard and Urban argued that
12 the actions in Policy 5 are similar to Policies 3 and 4 only without specific numbers. Hafner saw the
13 enumeration of priorities are like the numbers in Policies 3 and 4. Urban suggested Policy 5 should
14 simply state the City should set priorities, not state what those priorities are.

15
16 Hafner suggested the Commission address Policy 5 when City Planner Lewis is present.

17 18 **C. Updates**

19 **1. Landmark Property**

20 Anderson reported Planner Lewis has indicated the property must adhere to all current code
21 (grandfathered requirements are no longer in effect). If the owners want to build, they will have to apply
22 for variances with the Commission.

23 24 **2. Formula Business Proposal**

25 Anderson noted the City Attorney stated the proposal by the Commission did not meet legal standards.
26 Anderson noted City Manager Davies and Councilor Frye are working with the attorney draft
27 appropriate legislation.

28 Anderson reported the attorney had indicated the Commission needs to follow a three-step process:
29 Identify the harmed to be cured, identify how the harm affects city, and identify how the proposed
30 legislation fixes the harm. Anderson reported the attorney suggested the Commission ask him to
31 research the legal precedent for developing code on a topic prior to the Commission getting into
32 specific requirements. Anderson noted there were several definitional issues in the Commission's
33 proposal, such as asking an employee to say, "Thank You," to all customers is a form of
34 standardization; how a retail store is different from a grocery store; corporate structures can apply to an
35 individually owned business; and an increase of one car is an impact on traffic.

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37 Anderson explained Commission cannot see the document from the attorney to Manager Davis as the
38 attorney's communications with the City Manager are confidential.

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40 Urban adjourned the work session at 2:55 pm.

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46 Ron Urban, Vice-Chair

Date

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Minutes prepared by H H Anderson on June 25, 2017