

YACHATS PLANNING COMMISSION

October 16, 2018

Work Session Draft Minutes

Vice-Chair Ron Urban called the October 16, 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, Shelly Shrock, and Lance Bloch. Absent: Mary Ellen O'Shaughnessey. Staff present: City Planner Larry Lewis. Audience: 4.

I. Comprehensive Plan Amendments

City County Craig Berdie presented his ideas for the Comp Plan review and content. He suggested the Council could give the Commission priorities for their work. Commissioner Anderson reported from her conversation with Mayor Stanley, that there were two separate tasks: the ordinary Planning Commission review of the Comp Plan and the Council's direction to the Commission to address specific issues in the Comp Plan. Berdie believed the Council should give the Commission areas requiring statutes and areas to be of priority.

Commissioner Hafner expressed concern over having one Councilor direct the Commission. Anderson suggested Berdie was present for clarification. Commissioner Urban indicated the Commission would need more time to review Berdie's page of questions. Berdie asserted the Commission did not go far enough in their review of the Comp Plan. Anderson asked Berdie if Council had seen the list Berdie handed out. Berdie indicated Council had reviewed his document. Berdie added that there were inconsistencies in which components of the Comp Plan had identified actions, policies, and ordinances. Hafner noted part of the Comp Plan was to present vision rather than specific actions.

Anderson thanked Berdie for his interest in the Commission's work and indicated the Commission would welcome input from the Council on priorities. Planner Lewis noted Commissions in the past have identified where ordinances were needed when they went through the updating process. Urban raised concern about the Commission proceeding without the Council having approved the changes to date. Commissioner Kerti noted the 2008 survey and apparent community input for the priorities in the Comp Plan. Commissioners discussed the possible need for another community survey.

Anderson indicate the Commission would review Berdie's question at the November work session

II. Sign Ordinance – Attorney Feedback

Anderson explained to Manager Beaucaire that the Commission needed help in figuring out how to work with the attorney. Manager Beaucaire suggested the model ordinances created by the League of Oregon Cities factor in recent court cases on planning. Anderson reported the Commission had been working from code from other cities and adopting that to Yachats. Anderson indicated she was hearing Manager Beaucaire say that the Commission should clearly identify what the problem was to be addressed, then ask the attorney if he has any recommendations for code.

Hafner recalled that the Commission had a public meeting and send the draft ordinance to ODLCD for review. Lewis noted ODLCD often does not comment on drafts unless there is a problem with respect to a state goal. He noted Waldport had worked from the DLCD model ordinance to write theirs, and Yachats worked from Waldport's plan. Manager Beaucaire explained other city

1 ordinances might not reflect legal changes or might not have yet been challenged on issues.
2 Manager Beaucaire also reported the regulation of signs was an extremely complicated and
3 difficult issue to legislate.
4

5 Manager Beaucaire noted the attorney provided recommendations and the Commission was not
6 bound to those recommendations. She added that the Commission could have a legitimate reason
7 to not agree with the attorney, but that they should seriously consider his recommendations.
8 Anderson asked about the feasibility of having the attorney draft the initial document.

9 Commissioner Shrock commented on the cost of using the attorney to draft documents. Anderson
10 recalled previous Commissions were asked not to ask questions of the attorney. Anderson
11 suggested that the Commission was now working in a context of worrying about avoiding lawsuits.
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13 Commissioner Bloch noted the majority of the code was not about content, and the attorney's
14 major concern appeared to be about the content issue. He suggested the area that would be of
15 concern around content would be temporary signs. Anderson noted the comments about
16 open/closed signs, address signs, and directional signs.
17

18 Urban expressed frustration with the attorney's comments about flags where he asserted that a
19 Jolly Roger flag was equally as important as the American Flag. Manager Beaucaire suggested
20 the Commission could state what their intent was and ask for clarification with the attorney or
21 decide to not follow that advice of the attorney. Anderson asked if the Commission could disagree
22 with the attorney. Manager Beaucaire suggested the Commission, when presented to Council,
23 clearly state what the attorney's position was and why the Commission disagreed with that position
24 so Council would be fully informed to make policy.
25

26 Anderson clarified that Manager Beaucaire would be open to having a workshop with the attorney
27 after the new year. Commissioners expressed frustration over how extreme some of the attorney's
28 positions appeared to be. Urban clarified that the City's present sign ordinance would not meet the
29 attorney's criteria. Kerti noted the attorney had comments about portions that were taken from the
30 model ordinance.
31

32 Kerti stressed the importance of involving the attorney earlier in the process of developing new
33 code. He added that he learned Lincoln City had difficulty in revising their sign ordinance over the
34 same issues the City's attorney was raising.
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36 Urban adjourned the work session at 3:03 pm.
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Ron Urban, Vice-Chair

Date

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43 Minutes prepared by H H Anderson on November 17, 2018.
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