

CITY OF YACHATS
PLANNING COMMISSION
October 18, 2011

Minutes

The October meeting of the Yachats Planning Commission was called to order by Chair Katherine Guenther at 3:00 p.m. in the Civic Meeting room of the Yachats Commons. Members present: Guenther, Christine Orchard, Nan Scott, Ken Aebi and Lawrence Musial. Absent: Phyllis Castenholz. Also present, City Planner Larry Lewis. Audience – 6.

I. Announcements and Correspondence

II. Minutes

Work Session and Regular Meeting –September 20, 2011

Motion to adopt the minutes, Aye – 3, No – 0, Abstain – 2 (Musial, Scott).

III. Citizen's Concerns

Sandy Rutherford said that everyone in the Gender Creek area is concerned about the drainage issues. With the new ODOT culvert in place and the changes, some property owners have made to the course of the creek downstream of that culvert, there is risk of flooding this winter. There does not seem to be any agency that has jurisdiction and so she hopes that the Planning Commission can put some strong restrictions in place that will prevent this in the future.

IV. Public Hearing – Case File #1-THPUD-PC-11 Aqua Vista Square Townhouse PUD Application

Guenther opened the public hearing and stated that the purpose of the hearing was to consider the application made by Aqua Vista Square LLC and Our Coastal Village, Inc. for the Aqua Vista Square Townhouse PUD.

Guenther asked if anyone wished to object to the jurisdiction of the Commission to hear this matter.

There was none.

Guenther asked if any Commissioner wished to make any disclosure, or abstain from participating or voting on this application because: of possible financial gain resulting from this application; because they owned property within the area entitled to receive notice of this hearing; because they had a direct private interest in the proposal; or because they had determined that they could not be impartial.

Musial disclosed that he is in the notification area, but that he does not believe there is any reason he cannot be impartial in making his decision.

1
2 Guenther asked if any Commissioner needed to declare any contact, written, oral or otherwise,
3 prior to the hearing, with the applicant, appellant, any other party involved in this hearing, or any
4 other source of information (outside of staff) regarding the subject of this hearing; and if so, to
5 please state with whom they had the contact and what was said.

6
7 There was none.
8

9 Guenther asked the staff to describe the public hearing process, the criteria that will be used by
10 the Planning Commission to evaluate the application and a description of the land use
11 application.

12
13 Lewis described the process that will be used in this public hearing and the criteria that will be
14 used in considering the application. Lewis then reviewed the staff report.

15
16 Lewis reported that ODOT responded following their review of the application and made
17 comments concerning access, pedestrian improvements and construction activities in ODOT
18 right-of-way.

19
20 Lewis said that one letter was submitted by a neighbor expressing concerns about traffic
21 congestion and parking, privacy screening, number of occupants and noise, lighting and building
22 height.

23
24 Lewis also provided the Commission with an updated page for his staff report that uses the more
25 current Code language. The original staff report had referenced outdate Code language related to
26 density and lot area, width and depth.

27
28 Lewis described the modifications the applicant is requesting as well as the added benefits
29 proposed in exchange for the modifications.

30
31 Lewis summarized the conditions that are recommended in the Staff Report if the application is
32 approved.

33
34 Guenther opened the public testimony portion of the public hearing and asked anyone addressing
35 the Planning Commission to come forward, use the microphone, begin by giving their full name
36 and address and sign the sign-in sheet with their mailing address.

37
38 Guenther asked the applicant to explain the application.
39

40 Layne Morrill, applicant, said that he believes this is a better plan than the one that was
41 considered 15 months ago because the commercial units have been eliminated, the lot coverage
42 has been reduced from 48% to 33% and the units will be townhomes rather than condos.
43

1 Morrill said that in answer to Ms. Washington's concern regarding a privacy screen on the North
2 side of Aqua Vista there is actually a screen planed for that area but it was not included on the
3 site plan. It is shown on the Arial drawing of the development.

4
5 Morrill said that he is withdrawing his request for a modification to underground utilities.

6
7 Morrill said that he had not anticipated ODOT's requirement for pedestrian improvements, but
8 he has no problem in meeting that requirement.

9
10 Morrill said that he is asking for an exception to the 30' building height for two units on the Hwy
11 101 side. A 35' height will allow larger units and provide some architectural interest. In
12 exchange, two of the units adjacent to the residential zone will be 25'.

13
14 Proponents were asked to present evidence and testimony. There were none.

15
16 Opponents were asked to present evidence and testimony. There were none.

17
18 Undecideds were asked to present evidence and testimony.

19
20 Marilyn Kennelly said that she owns the property south of the proposed development. She would
21 like it is clear that there was no public hearing 15 months ago, and that they received no notice of
22 that previous application.

23
24 Kennelly said that she and her husband were very excited about the idea of having a mixed use
25 development in their area, but this application is no longer for a mixed use. The applicant said
26 that the commercial use was eliminated because the neighbors said that they desired a residential
27 only development. The applicant never contacted her or her husband.

28
29 Kennelly said that she would like to see some commercial use added back into the plan. People
30 who own and operate a business have a stronger tie to the community than a renter would have.

31
32 Kennelly also expressed concerns about the time line for construction and wondered how long
33 she will have to listen to construction noise and deal with the related dust.

34
35 Kennelly said that she is concerned about the request for the variance to the building height and
36 underground utilities. She also said that she did not want the privacy screen to be a cement wall;
37 a fence would be much nicer for her to see out of her window.

38
39 Elizabeth Welch said that she owns a home directly west of the property. She said that there does
40 not seem to be any parking for guests so they will end up parking in front of her house. She is
41 also concerned about the construction timeline.

42
43 Sandy Rutherford said that she is concerned about the building height. As she found out when a
44 new house was built on her street there are items that are not counted in that height and you end
45 up with something that is more like 40 feet.

1 Rutherford said that anytime you build higher you are blocking somebody's view. She would
2 like the Planning Commission to reduce the allowed height for all buildings.

3
4 Rutherford said that she thinks the privacy screen should be something other than a concrete
5 wall.

6
7 Applicant was asked to respond.

8
9 Morrill said that there are already many rentals in the area, so they would not be bringing in a
10 different element by offering some of the units as rentals.

11
12 Morrill said that he believes that by offering to build the units closest to the residential zone at
13 25 foot in exchange for the 35 foot high building on the Hwy 101 side the development is more
14 attractive to that abutting residential zone.

15
16 Morrill said that the plan provides the required number of parking spaces as per the Code, and
17 there is some parking provided for guests.

18
19 Morrill said that construction should start mid-year next year, and each building should take no
20 longer than six or seven months. They plan to build in phases so they do not outpace the market.

21
22 Guenther asked if any of the Commissioners had any questions they would like to ask of the
23 applicant before the public testimony portion of the hearing was closed.

24
25 Musial asked if the units have more than one entrance. Morrill described where the second
26 entrances are planned.

27
28 Musial asked if each unit would have a separate water and sewer connection. Morrill said that
29 he has not yet decided how that will be done. He will do what the Code requires.

30
31 Musial asked for clarification about setbacks and parking.

32
33 Scott asked for clarification on which two units will be 25 foot tall.

34
35 Aebi asked about the stated need for low-income housing in the application. Morrill explained
36 that when Fistera Gardens was build the market study showed a need for 100 units for low-
37 income housing but the State would only fund 25 units.

38
39 Guenther asked if the Planning Commission believed all necessary evidence has been presented
40 in order for them to make a decision.

41
42 The Commission agreed that they did.

43
44 Guenther said that the Commission would like to thank all those that have presented evidence or
45 testimony, either in writing or at this hearing. And, that the Commission would remind the
46 applicant and all others that the Planning Commission may only consider the evidence and

1 testimony that strictly pertains to the applicable criteria as stated in the notice of hearing and at
2 the beginning of the hearing.

3
4 Guenther closed the public testimony portion of the public hearing.

5
6 Kennelly said that she has two questions. Therefore, Guenther reopened the public testimony
7 portion of the public hearing.

8
9 Kennelly asked for clarification on parking for the stacked unit and if there would be windows in
10 the third floor of the buildings that are facing their lot. Kennelly stated that the buildings will
11 overlook her property and the portion of their lot between her house and the development is a
12 meditation garden. It is a completely enclosed area and personal activities, including sunbathing
13 take place there.

14
15 Morrill said that the conceptual drawings do not show windows. He is not sure if the other
16 windows on that floor are considered enough to meet the building code, but he certainly does not
17 want to invade anyone's privacy.

18
19 The public testimony portion of the public hearing was closed and the Planning Commission
20 began deliberations.

21
22 The Planning Commission went over each item in the application. They found no problem with
23 the requested density or lot sizes. It was noted that lot coverage is less than the maximum
24 allowed for that zone.

25
26 The Commission discussed the proposed modification to the setback for the Aqua Vista street
27 side and agreed they had no problem with the request.

28
29 The Commission discussed the proposed modification in building height. It was noted that there
30 are empty lots on the East side of Hwy 101 and all the existing the homes on that side are
31 elevated because they are actually on King Street. Therefore, the increased building height for
32 the two units should have little impact on views. It should be stipulated that the modification in
33 height would be allowed for no more than two buildings.

34
35 The Commission briefly discussed windows on the south side of the taller buildings. It was noted
36 that the design of the roofline may prevent placement of windows and that no windows are
37 shown in the design. The Commission decided that they did not want to place any conditions
38 regarding window placement.

39
40 The Commission discussed the proposed seven-foot cement walls.

41
42 Orchard said she believes the Hwy 101 side should be six feet. Aebi, Scott and Musial all said
43 that seven foot would be all right. Scott suggested that the Planning Commission stipulate that
44 landscaping elements be placed to soften the appearance of the wall.

1 Following discussion it was agreed to stipulate six-foot walls all around, except for the areas that
2 must be three feet; landscaping elements shall be placed between the wall and Hwy 101.

3
4 The request for modification to underground utilities has been withdrawn and there is more
5 common area than would be required.

6
7 Guenther said that some of the concessions that were approved were to allow for the
8 development of affordable housing.

9
10 Aebi said that it would be important for strong management of those units if they were primarily
11 operated as rentals.

12
13 Motion to approve the application with the recommended conditions listed in the staff report, as
14 amended during deliberation, Findings and Conclusions to be drafted for the Chair's signature,
15 Aye – 5, No – 0.

16
17 **V. Planner's Report – Larry Lewis – Attached, in writing.**

18
19 **VI. New Business – None.**

20
21 **VII. Other Business**

22 **A. From the Commission –**

23
24 Orchard said that she would like the Commission to discuss the possibility of reducing the
25 Commission size from seven members to five.

26
27 **B. From Staff – None.**

28
29 The meeting was adjourned at 5:15 p.m.

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31
32 _____
33 Katherine Guenther, Chair

34
35
36 _____
37 Nancy Batchelder, City Recorder