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**CITY OF YACHATS  
PLANNING COMMISSION  
March 18, 2014**

**Minutes**

The regular 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, Nan Scott, Lawrence Musial, Ron Urban and Shelly Shrock. Absent: Ken Aebi and Helen Anderson. Also present, City Planner Larry Lewis. Audience – 4.

**I. Announcements and Correspondence** – Documents related to the Gender Creek determination were submitted during the work session. Attached.

**II. Minutes**

**• Regular Meeting – February 18, 2014**

Motion to adopt the Minutes of February 18, 2014, Aye – 5, No – 0, Absent – 2 (Aebi, Anderson).

**III. Citizen's Concerns**

Betty Reed read the following statement:

- The City Planner's classification of Gender Creek as intermittent is arbitrary and capricious. Gender Creek has water flowing year round and is clearly perennial. The City Planner should review evidence and information and reconsider his opinion.
- I am not sure that the evidence submitted by residents to the planning commission has been made "part of the record" or that the information distributed today will be made part of the record.
- The Planning Commission process is not transparent to residents. The commission allowed the city planner to change the staff report at the 11th hour with no notice to the public and then refused to hear testimony about Gender Creek because it was deemed moot by the new staff report.
- The City staff and Commission seem to favor developer applicants. Nelson's information and testimony was taken at face value while input from others was discounted or ignored.
- The City staff is not responsive to concerns of citizens. Simple requests for information and/or records was ignored or delayed.
- The Planning Commission should take immediate steps to properly classify Gender Creek as Perennial and enforce the codes adopted by the city council.

Sandy Rutherford submitted a map of the Gender Creek area regarding the determination of Gender Creek and shared photos of the creek at different times during the year.

Rutherford said that the USGS map contains errors.

Shrock asked Lewis how he made the determination about the creek.

Lewis said that he initially assumed that Gender Creek was perennial, but then he looked at the USGS map on which Gender Creek is labeled as intermittent.

1 Rutherford asked for assurances that no building permit will be approved until this issue has  
2 been settled.

3  
4 Greg Scott said that he and the Mayor have requested that no building permit be approved until  
5 the determination of the creek has been settled.

6  
7 Lewis said that he will need to check with Lincoln County Building since they are the Building  
8 Officials for the City.

9  
10 Reed said that Gender Creek goes up the hill and in the future, there may be development  
11 proposed for that area which could be impacted by the determination as well.

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13 **IV. Public Hearing - None**

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15 **V. Planner's Report – Larry Lewis – Attached.**

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17 **VI. New Business – None.**

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19 **VII. Other Business**

20 **A. From the Commission – None.**

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22 **B. From Staff – None.**

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24 Adjourned at 3:30 p.m.

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Katherine Guenther, Chair

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31 Attest:

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36 Nancy Batchelder, City Recorder