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CITY OF YACHATS
PLANNING COMMISSION
April 21, 2015

Minutes

The April meeting of the Yachats Planning Commission was called to order by Chair Nan Scott at 3:00 p.m. in the Civic Meeting room of the Yachats Commons. Members present: Scott, Katherine Guenther, Ken Aebi, Lawrence Musial, Ron Urban, Shelly Shrock and Christine Orchard. Also present, City Planner Larry Lewis. Audience – 8.

I. Announcements and Correspondence - None.

II. Minutes
Regular Meeting and Work Session – March 17, 2015

Motion to adopt the Minutes of the Work Session and Work Session of March 17, 2015, Aye – 7, No – 0.

III. Citizen’s Concerns - None.

IV. Public Hearing

A. Proposed Zoning and Land Use Amendment – Chapter 9.52.070 Shoreland Setbacks

Scott said that the Commission is continuing the Public Hearing on Shoreland Setbacks.

Scott said that the LWI contained a mathematical error in the flow rate for the Yachats River. The State requires cities and counties to protect riparian areas, and when using the corrected flow rate the setback can remain at 50 feet, so it will not be changed.

Mike Evans said that he was concerned when he learned that the Yachats River setback was to be changed to 75’ because that would have taken much of his property. When he purchased his property he was aware of the 50’ setback on the Yachats River, but that was before the current DLCD rules.

Now that the State allows using Safe Harbor standards, he is concerned about how the City will deal with pre-existing conditions and “grandfather” in lots if the City adopts that Safe Harbor, especially in the areas where there is a cliff such as one part of the access road to his property.

Lanny Harrison said that the Overleaf Homeowners Association did not receive proper notice when Ordinance 315 was adopted, so they filed the LUBA appeal.

Harrison said that they would like the City to start over and work with the property owners to make the Ordinance right.

There was no other testimony.

Scott said that the Public Hearing would be continued until the May Planning Commission meeting.

1 Batchelder explained that the Planning Commission worked on Ordinance No. 315 for most of a
2 year, and all of those work sessions were noticed and the minutes of those meetings were
3 posted in the Document Library. The notice was published in the paper, and a copy of the
4 Affidavit of Publication is in the record. However, the notice was emailed to the people who get
5 their water bills by email and it was included in the water bills for those that receive their water
6 bills in the mail. However, there is no Affidavit of Mailing. That notice was sent to all property
7 owners, not only the ones that live along the waterways under discussion.
8

9 When Scott asked, Batchelder explained that Ordinance No. 315 did not change the issues that
10 Overleaf homeowners are concerned about at this time.
11

12 Scott said that is why the Planning Commission is hoping that working with property owners on
13 the current amendments will allow the Commission to develop an Ordinance that addresses
14 concerns and complies with State regulations.
15

16 Dennis Hargons said that the proposed 50' setback on the un-named stream in Overleaf is
17 totally crazy and unworkable.
18

19 Scott said that if the stream is determined to be fish bearing, and if the City adopts the Safe
20 Harbor method, the City would have no choice in the setbacks applied.
21

22 **V. Planner's Report – Larry Lewis**
23

24 Attached.
25

26 **VI. Other Business**

27 **A. From the Commission – None.**
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29 **B. From Staff – None.**
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31 The meeting was adjourned at 3:37 p.m.
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35 _____
Nan Scott, Chair
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38 _____
Nancy Batchelder, City Recorder
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