

**WALDPORT PLANNING COMMISSION
AUGUST 27, 2018
MEETING NOTICE AND AGENDA**

THE WALDPORT PLANNING COMMISSION WILL MEET ON MONDAY, AUGUST 27, 2018 AT 2:00 P.M. IN THE **CITY COUNCIL MEETING ROOM**, 125 ALSEA HIGHWAY, TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. MINUTES: (July 30, 2018)
3. CITIZEN COMMENTS AND CONCERNS
4. CORRESPONDENCE – Planning Commissioner Training
5. PUBLIC HEARINGS – None
6. DISCUSSION/ACTION ITEMS:
 - A. Planning Report
 - B. Waldport Development Code Amendments
 - 1) Downtown District Zone (D-D)
 - 2) Notification of Land Use Applications
 - 3) Appeal Timing and Proceedings
 - 4) Planned Development and Subdivision Time Limits
 - C. Other Issues*
7. COMMISSION COMMENTS AND CONCERNS
8. ADJOURNMENT

*Denotes no material in packet

The Council Chambers are accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall at (541)264-7417 during normal business hours.

Notice given this 21st day of August 2018

City of Waldport

WALDPORT PLANNING COMMISSION
JULY 30, 2018
MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL: Chair Woodruff called the meeting to order at 2:00 p.m. Chair Woodruff and Commissioners Stole, Virtue, Schlosser, Phillips, Kelleher and Barham answered the roll. A quorum was present.

2. MINUTES: The Commission considered the minutes from the June 25 meeting. Commissioner Phillips **moved** to approve the minutes as presented. Commissioner Barham **seconded** and the motion **carried** unanimously.

3. CITIZEN COMMENTS AND CONCERNS: Hollis Lundeen asked how notification was given if there was a change in meeting dates, as had happened this month. Staff noted the packet was posted on the website on July 16, giving the correct date, and a notice giving the date and time was also posted on the electronic sign.

4. CORRESPONDENCE: None.

5. DISCUSSION/ACTION ITEMS:

A. Planning Report: Mr. Lewis reviewed his written report. No action was needed.

B. Waldport Development Code Amendments:

1) Mobile Vending: Commissioner Stole suggested a clarification to the definitions section as follows: "Mobile Vending' means a structure, cart, trailer, or stand which is movable from place to place, and is used for the purpose of selling merchandise, or foods or beverages to the public if equipped to dispense food or beverage and/or prepare the food or beverage for consumption. A mobile vending stand does not contain space for customers to enter the stand to purchase or consume products." She also suggested removal of "which is deposited by any person...." from Section (5) regarding litter. Commissioner Barham suggested addition of the words "unless participating in a city-sanctioned event" to section (1).

2) Livestock: A lengthy discussion ensued regarding the proposed additions to the list of permitted livestock. **Consensus** of the Commission was to add rabbits to the list of permitted animals, and to wait and see if anyone during the public hearing wished to add pygmy goats or any other animals to the list.

3) Accessory Dwelling Units: The Commission discussed parking, and determined to leave the code language as it had been presented. Commissioner Stole asked about consideration of using RVs as accessory dwelling units. Commissioners Kelleher and Woodruff cited concerns about water supply and wastewater disposal, as well as potential impact to property values. Further discussion ensued. Eventually, **consensus** of the Commission was to table the discussion as the topic appeared to require a more extensive review.

4) Conex or other metal storage containers: A brief discussion ensued, regarding whether to allow conex containers in the Industrial Zone. **Consensus** of the Commission was favorable.

5) List of Code Amendments: The Commission reviewed the list to determine which

items might be more quickly brought to the public hearing phase. Consensus of the Commission was to prioritize the list as follows: Items A (Food Trucks/Mobile Vending regulations), B (Recreational Vehicle Occupancy), E (Notification for Land Use Applications), F (Conex Containers), G (Screen Outdoor Storage in D-D Zone), H (Other C-1 Standards that should be in Downtown District), L (Appeal Timing and Proceedings) and M (Animal Ordinance) can probably all be moved along fairly quickly. Items C (Accessory Dwelling Units), J (Subdivision and PD Time Limits), K (Planned Development Overall Review and Update), and L (Planned Industrial Zone) will probably take more time to review. The Commission determined that the focus of next month's meeting would be Items E, G, H and J.

C. Other Issues: None.

7. COMMISSION COMMENTS AND CONCERNS: None.

8. ADJOURNMENT: At 4:15 p.m. there being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Reda Q. Eckerman
City Recorder

APPROVED by the Planning Commission this ____ day of _____, 2018.

SIGNED by the Chair this ____ day of _____, 2018.

Ray Woodruff, Chair

**PLANNING COMMISSIONER TRAINING
REGISTRATION**

One form per person (duplicate as needed)

Name: _____

Title: _____

Organization: _____

Address: _____

City/ Zip: _____

Phone: _____

E-mail: _____

Registration Fee:

- OCPDA Member City—\$50/person
- Non-OCPDA Member City—\$75/person
- See reverse side for cancellation policy.

Registration Deadline:

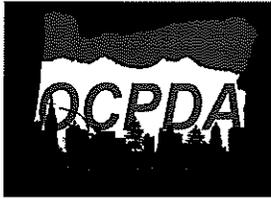
Friday, September 14th, 2018

Mail Checks and Registration to:

OCPDA
C/O League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, OR 97301

Register Online: [click here](#)

Call LOC Staff: (503) 588-6550



**Oregon City Planning
Directors Association**

League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, Oregon 97301

Planning Commissioner
Training

Sponsored by

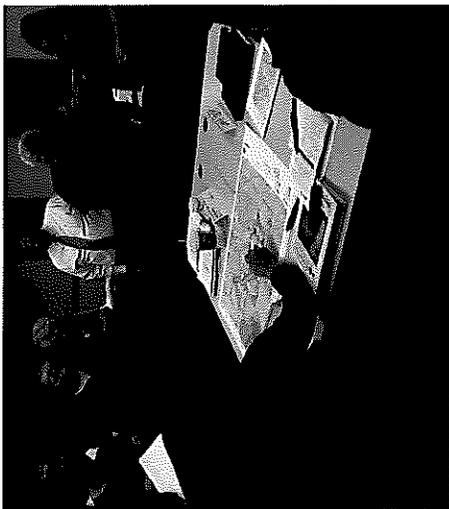
Oregon City Planning
Directors Association



Thursday,
September 27, 2018

9:00 am to 12 noon

Inn at the 5th Street Market
205 East 6th Street
Eugene, OR 97401



The Oregon City Planning Directors Association is pleased to offer its annual Planning Commissioner

Training to City and County Commissioners and staff. This training is offered in coordination with the Annual Conference of the League of Oregon Cities.

The OCPDA is committed to offering affordable educational opportunities to elected and appointed officials. Join fellow citizen planning commissioners for this exciting opportunity to discuss planning issues from around the state.

Register now to reserve your seat.

TRAINING TOPICS

9:00 - 10:00

Public Hearings and Rules of Order

Learn how to run an effective public hearing, filter public testimony, make defensible decisions and avoid common legal pitfalls.

Session led by John Morgan, Morgan CPS

Cancellations and Refunds:

A 50% refund will be issued for cancellations after the registration deadline of September 14, 2018. Full refunds will be issued for cancellations prior to the deadline.

10:10 - 11:00

Engaging your Community and Increasing Vibrancy in Small Towns

Hear from expert practitioners and volunteers on building community networks, what makes a place active, and partnering and supporting local business in your community.

Panelists from various state and local Main Street and Downtown Development Organizations

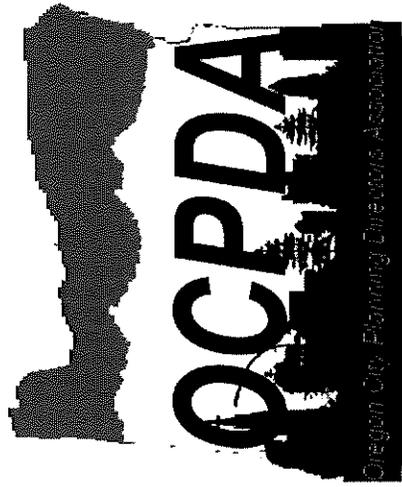
11:10 - 12 noon

Moderated Planning Commissioner Discussion

Join a conversation with other Commissioners regarding contentious public hearings, innovative planning projects, and ideas on how to prepare to make sound decisions.

Session led by Renata Wakeley, Mid-Willamette Valley Council of Governments Community Development Director; OCPDA Board Member.

Questions: OrCPDA@gmail.com
or Erin Doyle (503) 588-6550



August 17, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

Re: 2018 Waldport Development Code Amendments

At the July 30, 2018 Planning Commission meeting the Commission reached consensus on draft amendments to:

- Mobile Vending regulations
- Conex or Other Metal Container regulations, and
- Livestock regulations

The draft amendments for these three items have been prepared and are ready to move forward to the public hearing procedure.

The Planning Commission agreed to review draft amendments to the following items at the August 27, 2018 meeting:

- Downtown District Zone (D-D)
- Notification of Land Use Applications
- Appeal Timing and Proceedings
- Subdivision and Planned Development Time Limits

Memos addressing these four items are attached.

Once the Planning Commission has reached consensus on draft amendments for these four items the public hearing process for the above seven items will begin. The public hearing process includes:

- 35-day notice of the Planning Commission public hearing to the Oregon Dept. of Land Conservation & Development (DLCD),
- 21-day notice of the Planning Commission public hearing to all affected property owners,
- Planning Commission public hearing, and
- City Council public hearing.

**City of Waldport
2018 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
6/19/18	Building Permit	Larry & Joyce Eggers	R-3	13-11-20DC/2000 860 Home Port Ln	New deck with stairs	Approved 6/22/18
6/29/18	Manufactured Home Placement Permit	Holly Putman	R-1	13-11-30BB/6300 1425 Fairway Dr	New single family dwelling and detached carport	Approved 7/2/18
7/2/18	Building Permit	Glen Weaver & Sharolyn Robinson	R-3	13-11-29AB/7000 1480 Jackson Pl Peterson Park Subdiv.	New pole barn	Approved 5/7/18
7/3/18	Land Use Compatibility Statement (LUCS)	Hotbox Farms LLC	C-2	13-11-19AC/7400 160 Alsea Hwy	OLCC LUCS for marijuana dispensary	Completed 7/6/18

For the Period June 19, 2018 through July 16, 2018

For the Period July 17, 2018 through August 20, 2018

7/23/18	On-site Waste Management Permit	Dwayne Denbow	R-2	13-11-20BA/700 1475 Alsea Hwy	New septic system	Approved 7/30/18
7/25/18	Building Permit	John Stevens	C-1	13-11-18DD/2400 1065 Broadway	Dry rot repair, move entry door and windows	Approved 7/30/18
7/30/18	Building Permit	Pat Ball	R-1	13-11-19DB/700 345 Crestline Dr	New pitched roof on detached garage/carport	Approved 7/30/18
7/31/18	Building Permit	William Houston	R-1		New single family dwelling	
8/6/18	Building Permit	Pete Tatum		13-11-20DC/3100 989 Clover Ln	Replace rafters and roofing	Approved 8/6/18
8/6/18	Building Permit	Robert Huffman	C-2	13-11-19AC/200 165 Huckleberry	New exterior door and stairs	Approved 8/6/18
8/9/18	Building Permit	Willis Mullen	R-1	13-11-30AB/5800 1245 Rose St	Addition to single family dwelling	Approved 8/10/18
8/10/18	Building Permit	Kris Kodrack	R-3	13-11-19AB/4700 685 Alder St	Window and door remodel to single family home	Approved 8/10/18
8/13/18	Building Permit	New Age Properties	C-T	13-12-24AA/11500 902 Bayshore Dr. Alsi Resort	Elevator, fire suppression system, etc.	Approved 8/13/18

August 17, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: 2018 Waldport Development Code Amendments
Updated Draft Amendment for
DOWNTOWN DISTRICT (D-D)**

There are existing standards in the C-1 Retail Commercial Zone that are not in the D-D downtown District. The question is: Should additional standards be added in the D-D zone? Four standards currently in the C-1 zone but not in the D-D zone are identified:

Waldport Development Code Section 16.28.030

- B. All yards abutting a residential zone shall be a minimum of ten (10) feet.
- E. Outdoor storage shall be screened with either a sight-obscuring fence or a buffer strip of vegetation.
- G. Distance from side and rear property line. In areas where a side or rear yard is not required and a new structure is to be erected it shall be set back at least three (3) feet from the property line.
- H. Drainage: A plan shall be submitted showing width, depth, and direction of flow of all drainage on and from the property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to other properties. Pipes draining water from roof drains and other nonimpervious surfaces shall not be allowed to connect to any sanitary sewer facilities.

August 17, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: 2018 Waldport Development Code Amendments
Updated Draft Amendment for
NOTIFICATION OF LAND USE APPLICATIONS**

The Issue and Current Procedure for Public Hearing Notification

The City has received complaints that the notice of the Planning Commission public hearing is not distributed to as many property owners as it should be. For Quasi-Judicial Hearings (land use applications requiring a public hearing with the Planning Commission) State law requires notices of the public hearing be sent to property owners within 100' of the perimeter of the subject property. The City sends notices to property owners within 250' of the subject property.

The complaints have occurred for subdivision and planned development applications. However, there are additional quasi-judicial land use applications where notices of the Planning Commission public hearing are required, e.g. conditional uses and variances.

Current Code Language

Waldport Development Code (WDC) Section 16.108.020 identifies review procedures for land use applications. Subsection D.2 identifies noticing requirements for Quasi-Judicial Hearings stating, in part, that *.....the applicant and the owners of record of property on the most recent tax assessment roll of Lincoln County within two hundred fifty (250) feet of the subject property shall be notified in writing.....* This paragraph continues to state *Said notice shall also be provided to any neighborhood or community organization recognized by the City Council and whose boundaries include the subject property.*

Discussion

The City does not have a specific list of neighborhood or community organizations recognized by the City Council. Neighborhood or community organizations are typically established when subdivisions or planned developments are formed. However, over the years active homeowners associations often become defunct.

In the past, City staff has considered sending notices of public hearings to additional property owners beyond the 250 foot requirement however has elected not to do that in order to be consistent with all public hearing noticing requirements.

The complaints are typically focused on properties fronting existing streets that may be affected by development. A recent example is the Vista View Planned Development where first phase ingress and egress is proposed on Norwood Drive.

Draft Amendment

One option is to amend the language to include *active homeowners associations, if known*, and to include *property owners fronting a local street that may be directly affected by the proposed development*. In this case the existing sentence could be revised as follows:

For subdivision or planned development applications, said notice shall also be provided to any ~~neighborhood or community organization recognized by the City Council and whose boundaries include the subject property.~~ *active homeowners associations in the immediate area and to property owners fronting a local street that may be directly affected by the proposed development.*

August 17, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: 2018 Waldport Development Code Amendments
Updated Draft Amendment for
APPEAL TIMING AND PROCEEDINGS**

Waldport Development Code Section 16.108.020.H identifies Appeals of Commission or Hearing Body Decision. The second-to-last last sentence of this section states “When an appeal is filed, within ten (10) days of such filing, the City Planner shall provide to the City Council the record of the proceedings and a decision of the commission or hearings body.”

City staff recommends replacing this sentence as follows:

When an appeal is filed, within ~~ten (10)~~ **twenty one (21)** days of such filing, the City Planner shall ~~provide to the~~ **notify the** City Council the record of the proceedings and a decision of the ~~commission or hearings body~~ **that an appeal has been filed and identify the date for the City Council hearing.**

August 17, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: 2018 Waldport Development Code Amendments
Updated Draft Amendment for
PLANNED DEVELOPMENT AND SUBDIVISION TIME LIMITS**

Issue

The time limits of preliminary plan approvals for planned developments and tentative plan approvals for subdivisions do not match market conditions. Preliminary and tentative approvals are valid for 2 years with a possible extension. Planned Developments and Subdivisions typically take several years to develop depending on market conditions. Developers often request a multiple phased development with each phase having a two year time limit. For example, the time limits for a preliminary approval of a three-phased development would be:

Phase 1: 2018-19

Phase 2: 2020-21

Phase 3: 2022-23

This request is typically more aligned with market conditions however it is not described in the Code. The Code could be amended to align with typical market conditions.

Existing and Draft Amended Waldport Development Code Sections 16.60 and 16.100.

16.60 Planned Development Zone (P-D)

16.60.030.D Time Limit on preliminary plan approval.

Approval of a preliminary plan in accordance with this section is valid for a period of ~~two (2)~~ **three (3) years per phase**, unless a longer period of time is specifically authorized by the Commission. **Phases are allowed to run consecutively, e.g. Phase 1: Years 1-3, Phase 2: Years 4-6.**

16.60.030.E Time extension on preliminary plan approval.

Approval of a preliminary plan of a planned development may be extended ~~beyond the two (2) year or other approved period upon~~ **written** request. ~~Requests for time extensions shall be made on a form prescribed by the city.~~ Requests for time extensions shall be considered and acted upon in accordance with Section 16.108.020(A) of this title or may be submitted to the planning commission for their decision. In considering a request for a time extension, the city planner or the commission may consider to what extent any required improvements have been constructed or completed, whether there have been any changes in circumstances or in applicable code or statutory requirements which could have affected the original approval, and whether additional conditions or requirements could be imposed on the preliminary plan approval which would satisfactorily address any deficiencies resulting from changed circumstances or code or statutory requirements. In granting a request for a time extension, the city planner or the planning commission may impose such additional conditions or requirements as are considered

appropriate. A time extension shall be for a period of ~~one-year~~ **three (3) years or less**. Not more than three (3) time extensions of a preliminary plan approval may be granted.

16.100 Land Division

16.100.050.E Time limit on tentative approval.

Approval of a tentative plan of a partition, subdivision or replat is valid for a period of ~~two (2)~~ **three (3) years per phase** from the effective date of the approval. **Phases are allowed to run consecutively, e.g. Phase 1: Years 1-3, Phase 2: Years 4-6.** If no request for final approval or time extension has been received within ~~this two-year~~ **the approved** period, the tentative plan approval shall expire.

F. Time extension of tentative approval. Approval of a preliminary plan of a planned development may be extended ~~beyond the two (2) year or other approved period upon~~ **written** request. ~~Requests for time extensions shall be made to the city planner on a form prescribed by the city.~~ Requests for time extensions shall be considered and acted upon in accordance with Section 16.108.020(A) of this title. A time extension shall be for a period of ~~one (1)-year~~ **three (3) years or less**. Not more than three (3) ~~one-year~~ time extensions of a tentative approval may be granted.

In considering a request for time extension, the city planner or commission may consider the following:

1. To what extent any required improvements have been constructed or completed;
2. Whether there have been any changes in circumstances or in applicable code or statutory requirements which would render the original approval inappropriate or non-conforming;
3. Whether additional conditions or requirements could be imposed on the tentative plan approval which would satisfactorily address any deficiencies resulting from changed circumstances or code or statutory requirements. In granting a request for a time extension, the city planner or the commission may impose such additional conditions or requirements as are considered appropriate.