

C I T Y O F Y A C H A T S

Planning Commission

July 16, 1987

Yachats Public Library Conference Room

Minutes

The regular monthly meeting of the Planning Commission was called to order at 7:30 PM by Chairman David Turnbull with a quorum present, as follows: Delbert Lobb, Milton Manke, Michael Medford, Melvin Phelps, Nancy Reynolds, Stanley Thorn. Absent: Hugh Larkin, Don Pearce. Audience: 24 estimated.

The minutes of the June 18, 1987 meeting were approved without a reading on a motion by Milton Manke, second Stan Thorn, passed unanimously. Copies of the minutes were distributed to Commission members in advance of the meeting and the minutes were available for public inspection.

Correspondence

- letter, dated June 18, 1987, from James F. Ross, DLCD, to Mayor Sheston transmitting the order extending to July 23, 1987 the continuance order on the Yachats comprehensive plan and noting receipt of correspondence from the Planning Commission.

Public hearing: Plan for remainder of Quiet Water subdivision

A public hearing was opened to receive public comment on a plan proposed for the remainder of Quiet Water subdivision, i.e., the land not included in Replat Phases I, II, III, and IV.

There were no abstentions from the Planning Commission and no objections from the audience to the Commission's jurisdiction. In the absence of a planning staff, there was no staff report. It was reported that notice of the hearing was given by publication in the Newport News-Times, by posting the property, and by mailing to Quiet Water homeowners and property owners adjacent to the subdivision.

The proponent's case was presented by Kurt Carstens. He prefaced his presentation by noting he did not speak at the opportunity provided to voice jurisdictional objections but wished to make known that Yachats Trading Company questions the necessity of the present proceeding and reserves the right to object. He supplied to the Commission a written outline of his oral presentation. The original Quiet Water planned unit development consisting of 86 single-family lots was approved March 24, 1980. Because of marketing considerations, a modification to permit a "cluster concept" was proposed and was approved on March 24, 1984. Replatting was done in phases and subsequently recorded in County records as Replat Phases I, II, III, and IV. The effect of the recording was to wipe out the underlying lot configuration of the land area involved. Phase IV was approved September 19, 1985 and one unit in this phase was built. Again because of marketing considerations, the developer proposes to return to a configuration of single-family lots for the un-replatted remainder of the subdivision. Citing Section 7.040(1)(b) of Ordinance 73, and noting no building permits have been issued for any phase of the cluster concept beyond Phase IV, it was proposed that the remaining phases after Phase IV automatically expire on September 19, 1987. If this is the case, no further action is required. On all but the four approved and recorded phases, County Plat Records show the original single-family lot configuration. This configuration has not been terminated because a building

permit was issued in the time interval required by Section 7.040(1)(b) and until such time as a new plat is recorded, the single-family lot configuration remains in effect. The original configuration has not been abandoned because work was completed within the five year period specified in Section 7.040(2). The developer is confident that the subdivision as now recorded at the County Courthouse is in conformance with State and county requirements and the question now is what the City requires. Kurt Carstens noted the Conditions, Covenants and Restrictions for the single-family lots include provision for an architectural review committee to maintain overall compatibility of design and appearance. The density of development has been decreased from 86 lots in the 1980 plat to 80 lots. The reason for reverting to the single-family configuration is financial; there appears to be no market now for cluster homes and it is essential to the developer to have marketable properties.

From the Commission, the question was raised of who controls what happens in the planned unit development. Overall, in the layout of lots, common area, and streets the City exercised control reviewing and approving the plan. On individual lots, development is controlled by the Conditions, Covenants and Restrictions of the subdivision and by the Architectural Review Committee, a homeowners group.

Responding to a question, Kurt Carstens stated the Phase IV access road and utilities will be constructed; the delay has been due to slow sales.

David Turnbull noted the design of Phases I, II, and III conformed to the revision proposal. Extending the cluster concept to the Phase IV area was, however, a departure from the revision proposal but was eventually allowed on assurances that utility lines, drainage, and accesses would be appropriately altered. At that time, the developer was warned that an increase in overall density will not be allowed. Subsequent to Phase IV, no further re-plat plans have been submitted and in his view what remains is what was originally there, i.e., a single-family lot configuration. City officials became concerned when an auction of lots was widely advertised after a period of little apparent activity. There were a number of unresolved questions such as controls on future building, in what direction the subdivision is going, how do present homeowners feel about the situation. For the Planning Commission to function appropriately, it was felt such questions need discussion and clarification.

Stan Thorn raised questions about Phase IV. Kurt Carstens acknowledged that building cannot occur on the interior lots until the access and utility lines are installed; they will be installed. He noted also that the building of one house in that Phase has locked-in the Phase IV plat since Section 7.040(1)(b) has been satisfied. Stan Thorn raised the possibility of reverting to the single-family lot configuration for the Phase IV area if only one of the lots has been sold. Developer reported a second lot in Phase IV has been sold and in any case he believes the cluster can be marketed and prefers to retain the Phase IV re-plat.

Opportunity for comment from persons receiving notice of the hearing was announced. A letter of support from Richard M. Butrick, President of the Quiet Water Homeowners Association, dated July 14, 1987 was read. In his letter, he noted the homeowners architectural review committee is dedicated to maintaining the appropriateness and compatibility of all new residences. James McDaniel, 232 Combs Circle, spoke in support, stating the presentation made tonight is in accordance with homeowners' discussions with developer Bill Combs. He felt it is unfortunate that reversion to the original single-family lot configuration for Phase IV appears to be precluded; this being so, he requested that no Phase IV building permit be issued until the road is built. Russell Barney, 341 Combs Circle, spoke in support of the proposal. There was no further testimony in support.

There was no cross-examination of proponents. There were no opponents and no cross-examination of opponents. There were no representatives of public agencies. There was no rebuttal, but Kurt Carstens suggested that any questions from the Commission be raised and discussed before the hearing is closed. A question was raised as to who controls development of lots in the subdivision and concern expressed that the Planning Commission will have no control at all. Development will be governed by the Conditions, Covenants and Restrictions applying to the property; both the homeowners Architectural Review Committee and the Planning Commission will be bound by the CCRs, although with a difference in emphasis, the Architectural Review Committee's major concern being the external appearance of the building and the Planning Commission's concern being the siting and applicable sections of the zoning ordinance.

There being no further comment or questions, the hearing was closed and the Commission entered into deliberations.

Nancy Reynolds moved to declare the original planned unit development is in place with a single-family lot configuration subject to the original restrictions that were placed upon them at the time the original plat was approved, with the exception of Re-Plat phases I, II, III, and IV. A question was raised and discussed regarding Phase IV and the issue of its reverting to the single-family lot configuration; it was agreed this is a separate matter. Stan Thorn seconded the motion as stated by Nancy Reynolds. The motion passed unanimously.

Del Lobb moved to request Yachats Trading Company to study the feasibility of returning Phase IV to the original single-family lot configuration. Stan Thorn second. Passed unanimously.

#### Building permits

Robert and Sandra Wheeler. 156 Yachats Ocean Road (14-12-27DD. TL 1700). R-1 zone. Addition to single-family dwelling. Applicants were present. Applicant supplied elevation data showing the property is outside the flood hazard zone. It is proposed to remove an existing carport and workshop and to construct a two-story addition. The proposed modification eliminates a non-conforming front setback. The proposed height, setbacks, and lot coverage conform. Approved unanimously on a motion by Del Lobb, second Milton Manke.

Paul and Cheryl Patrick. 368 Combs Circle. (Lot 22, QW Replat Phase III). R-1 zone. The contractor, Steve Hamilton, was present. The external appearance of the building will be the same as the others in Quiet Water along the river. Siting of the building on the lot is according to existing pads on the lot. Approved unanimously on a motion by Nancy Reynolds, second Stan Thorn.

Jerry and Carole Diller. 635 Marine Drive, (14-12-27AA. TL 3100) R-1 zone. Single-family dwelling with attached garage. Applicant was present, and was asked about what appeared to be a wrap-around deck which extends on one side to the property line. He indicated it is not an elevated deck but is basically a walkway. Height standards and lot coverage conformed. Stan Thorn moved to approve the application subject to the condition that the walkway will be elevated no more than 8" above ground. Second by Del Lobb. Passed unanimously.

Jeanne Sherburne. 1260 King Street. (14-12-26B). R-1 zone. Single-family dwelling with detached garage. Applicant was present. The property is in a 12-29% slope zone according to the slope map. Contractor states the building site is flat. Height, setback, lot coverage, distance between buildings conform. Approved unanimously on a motion by Milton Manke, second Michael Medford.