

QUIET WATER BOARD OF DIRECTORS

PO BOX 34

YACHATS OR, 97498

November 30, 2007

Dear Quiet Water Association Members,

As most of you may know, over the past two years considerable concerns and differences of opinion were expressed about whether our common area river bank was subject to certain provisions in the 1980 Yachats Comprehensive Land Use Plan and a subsequent ordinance. That regulation would require a 50 foot buffer strip, prohibit removal of most existing vegetation within that strip and prohibit our path from being parallel to the river. This Board has taken the position that those provisions do not apply to Quiet Water. You will find enclosed a (partial) copy of the minutes from the City Planning Commission wherein Steve McGhehey expresses that position. Some of the Commission members, including the Chair of the Commission, as well as the City Planner agree. (Larry Lewis, the city land use planner also previously agreed with Steve that our P.U.D. has flexible rules based upon its prior approval for development by the government.)

This Board believes it is evident that we are exempt from the river buffer zone regulation.

Quiet Water is a P.U.D. When its development was approved the planned unit development ordinance was the same as it is now. The ordinance required, amongst other things, that the proposed P.U.D. plan provide the proposed use of all open spaces including a plan for landscaping. The original P.U.D. application was submitted in March 1980. Subsequently, several landscape blue prints prepared by a landscape architect were submitted, which clearly showed a path parallel to the river (in a commons area) and the landscape plans. (The original developer had bulldozed much of the vegetation.) The original plan was approved by the City, with finding that it conformed to the Yachats Comprehensive Land Use Plan. On or about September 9, 1985 the City made binding findings of fact that the original 1980 plat/plan and redesign conformed to the Yachats Comprehensive Land Use Plan. There was considerable attention to detail by the city during the entire process.

The 1980 land use plan in effect during the process and subsequent ordinance contained the same provisions now contained in the current plan:

In the Shorelands along the river, a 50-foot buffer strip, measured from the edge of the bank, measured horizontally shall be maintained. In the first 30 feet, the existing riparian vegetation shall not be removed; In the latter 20 feet, slight vegetative alteration will be allowed as long as the overstory is retained. Minor access paths leading to (but not parallel to) the river shall be allowed as long as the overstory is not disturbed.

Similar provisions regarding buffer strips where creeks, streams and rivers intersect subsequently provided:

Where streams and creeks intersect the Shoreland, a 25 ft. buffer shall be maintained; and where a stream and creek intersect the river edge, a 50 ft. buffer shall be maintained. The buffer is to be measured from the top of the bank; within this buffer zone, existing vegetation shall not be removed. Noxious weeds shall be exempt from this restriction.

It is very evident that our P.U.D. was approved with a variance from those buffer zone and path regulations.

In addition to our exemption from the 50 foot river buffer zone, the Board believes that we are also exempt from new regulations. There are proposed revisions to the Comprehensive Land Use Plan that would require the City to designate tree protection zones. Although we support the proposed provisions for tree protection zones, we do not believe that they should apply to Quiet Water. Since the landscape plan was specifically approved by the City and the plan showed where trees would be, we do not feel that every additional tree we hereafter plant should be potentially subject to being deemed protected by the City. Furthermore, the City approved the CCRs which require the Board to "maintain" all of the common areas.

The Board hopes that we have relieved the concerns expressed over the possible loss of our path and control (as good stewards) over maintaining the river bank area due to city regulations. We intend to continue to implement the plan to protect the riverbank and preserve views.

Quiet Water Board of Directors

Steve McGhehey, Co-President

Karen Beshears, Co-President

Don Hunt, Treasurer

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

CITY OF YACHATS
PLANNING COMMISSION
October 16, 2007

Minutes

The October 16, 2007 regular meeting of the Yachats Planning Commission was called to order by Chair Lawrence Musial at 7:00 p.m. in the Civic Meeting room of the Yachats Commons. Members present: Musial, Annette Howarth, Greg Dimmick and Burgundy Featherkile. Absent: Katherine Guenther and Charles Bunker, Also present, City Planner Larry Lewis. Audience – 4.

I. Announcements and Correspondence

The next meeting date has been changed to November 26, 2007.

II. Minutes

- Work Session – September 11, 2007
- Regular Meeting – September 11, 2007

Motion to approve the minutes, Aye 4, No -- 0.

III. Citizen's Concerns

Steve McGhehey, a resident of Quiet Water and a Homeowners Association Board member, said that he was involved with the original Quiet Water Planned Unit Development (PUD). The comprehensive plan at that time had language similar to the current plan regarding the shorelines along the river when the PUD was approved. And, when the original PUD was approved, it included some variances from the comprehensive plan, such as paths that run parallel to the river. The fact that the Quiet Water PUD was granted some variances to the 50-foot buffer should be mentioned in the comprehensive plan being drafted now to make sure that there is no confusion in the future.

Musial stated that it would not be necessary to include specific language about this in the new draft because it would be true that any previously approved land use application that included variances would not be subject to newly adopted regulations. City Planner, Larry Lewis concurred.

Featherkile asked, and it was clarified by the Commission and the City Planner, that the Quiet Water PUD, or any other existing development, would be subject to new regulations in the comprehensive plan if those new regulations are related to items not explicitly granted as a variance in the original approval.

IV. Public Hearings - John Rafalski – 2-Lot Partition

Musial opened the public hearing and stated that the purpose of the hearing was to consider the application made by John Rafalski for a 2-lot partition.