

1. Agenda

Documents:

[2019-11-19 Planning Commission Agenda.pdf](#)

2. Meeting Materials

Documents:

[2019-11-19 Planning Minutes Lighting.pdf](#)  
[2019-10-22 Planning Work Session Minutes.pdf](#)  
[2019-10-22 Planning Minutes.pdf](#)  
[2019-11-19 1-CU-PC-19 Staff Report.pdf](#)  
[2019-11-19 1-CU-PC-19 BnB Application.pdf](#)  
[2019-11-19 Key Legislation\\_.Pdf](#)  
[2019-11-19 Planner Report.pdf](#)  
[Memo To PC Re Oct-Nov Report.pdf](#)



## CITY OF YACHATS

PLANNING COMMISSION MEETING  
441 Hwy 101 N., Yachats Commons, Room 1  
Tuesday, November 19, 2019: 3:00 pm

### AGENDA

- I. Call to Order
- II. Announcements and Correspondence
- III. Minutes
  - A. October 22 Work Session and Regular Meetings
  - B. November 12, 2019 Public Meeting on Lighting
- IV. Citizen's Concerns
- V. Public Hearings –
  - A. Bed and Breakfast Teeters Case #1-CU-PC-19
- VI. Business
  - A. Admin Policy 6
  - B. Commission Rules
  - C. Suggestions for Council Goals
  - D. Citizens Involvement
- B. Planner Report
- C. Other Business
  - A. From the Commission
  - B. From Staff

Commission meets the third Tuesday of each month.

**Next scheduled meeting: December 17, 2019 at 3:00pm.**

This meeting is open to the public and all interested persons are invited to attend. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. Minutes of all public meetings are available for review at City Hall, or on the City website at [www.yachatsoregon.org](http://www.yachatsoregon.org).

In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice.

Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD).

Posted: November 15, 2019



City of Yachats

## YACHATS PLANNING COMMISSION

November 12, 2019

### **Public Meeting on Lighting Draft Minutes**

Chair Helen Anderson opened the November 12, 2019 public meeting on lighting at 5:00 pm in the Room 1 of the Yachats Commons. Members present: Doug Conner, Helen Anderson, Lance Bloch, Jacqueline Danos, Mary Ellen O'Shaughnessey, and Loren Dickinson. Absent: Christine Orchard. Audience: 26.

#### **I. Lighting Public Meeting Discussion**

Anderson explained the meeting was to get input from citizens on what they wanted for outdoor lighting. She noted the Commission has not made any decisions about possible regulations and she reviewed the information in the meeting handout.

1. Rose Smith (892 Driftwood Lane) indicated a parking light at the Dollar General shines into their hall and bedroom. She noted they are turning off the light at 10:30 and there was some shielding, but that shielding did not protect them. They have put film on their windows.

Most attendees agreed the parking lights at the Dollar General were too bright.

2. Yvonne Hall (291 Ocean Wayside Lane) stated there were dark sky compliant lights at the new fire station that were still very bright and were reflecting lights into the trees and impacting the wildlife in the area. She indicated she has communicated with Fire Chief Frankie Petrick. She reported neighbors have complained to her about the driveway lights at the fire station. She did not believe the flag pole lights should be left on all night.

3. John Purcell (116 Spring Hill) suggested the Commission address the height of light poles to reduce spill and reflection. He also suggested shielding.

The majority of attendees indicated street lights were too bright and a few indicated street lights were not bright enough. One person indicated the street light was flickering and had a strange color. Anderson indicated street light issues can be reported on the City's website and Commissioner Bloch indicated people can report lighting issues directly to Central Lincoln PUD. He reported Central Lincoln installed shielding when he requested it.

4. Don Groth (208 Reeves Circle) asked if the City could get Central Lincoln to have uniformity in the street lights.

1 5. Ann Stott (915 Driftwood Lane) supported regulations for trespass, glare, and skyglow  
2 lighting, curfews, shielding, and use of timers. She did not support creating zones, believed  
3 motion activated lights do not work well, wanted conservation to be left to individuals, and  
4 thought the type of light should only be regulated for brightness. She noted the City's vision  
5 statement values nature, which lighting can adversely impact.  
6

7 6. Morgen Brodie (258 W 2<sup>nd</sup> Street) indicated there was some confusion about what trespass  
8 lighting was. She reported there were homes that left lights on all night and after vacation  
9 renters had left. She offered the Commission information on Dark Sky standards.  
10

11 7. Shannon McCarthy (289 W 2<sup>nd</sup> street) indicated she does not need to turn on her lights at  
12 night due to street lights and lights from the businesses. She reported lights from the south end  
13 of town were blinding because of how they were directed toward the State Park. She recalled  
14 there was a 10:00 pm light curfew about 20 years ago.  
15

16 Anderson asked if attendees had issues with commercial lighting. The Dollar General was  
17 mention  
18

19 Anderson polled the audience for establishing a curfew: all but two supported a curfew.  
20

21 8. Noel McIntosh (214 Shell Street) did not like lights on the second and third stories of a  
22 neighbor's house and the owner was not receptive to adding shielding or turning off at night. He  
23 indicated his neighbors believed the lighting was necessary for safety.  
24

25 Anderson stated the City Planner indicated they could require that building plans include a  
26 lighting plan to note areas of illumination.  
27

28 Purcell suggested restricting the visibility of the source of the light. Commissioner Dickinson  
29 referred to this shielding as cut-off shielding.  
30

31 Commissioner Danos indicated everyone could help educate people that brighter lights were not  
32 necessarily safer.  
33

34 Anderson asked if attendees had a preference for lights on all night versus lights turning on/off  
35 with motion activation. There was no clear preference. Tom Lauritzen indicated that motion  
36 lights can be activated by the wind can blowing vegetation.  
37

38 An attended asked if the Commission had looked at Dark Sky standards and if the issues raised  
39 tonight could be resolved through the Dark Sky recommendations. She believed dark skies  
40 would be an attraction for tourists.  
41

42 Anderson reviewed the Commission's previous investigation into Dark Sky standards and noted  
43 the Commission reported to Council that there was a need for community education before  
44 implementing such standards.  
45  
46

9. Yvonne Wulff (Greenhill Drive) reported the new street lights on the sidewalks have caused a glow from her house on Greenhill.

10. Tom Lauritzen (204 Shell Street) reviewed plans for the City to restructure and a need to identify the skill sets needed to address citizen needs. He noted the extensive number of times he has contacted vacation rental companies to turn off lights that were left on, but the problem recurring does not get addressed. He suggested the Commission make clear their governing principles for the work they are proposing.

Other comments included:

- it was more important to do something now rather than to wait to get Dark Sky status.

- a curfew would be a balance between dark skies and other needs

Commissioner Conner asked for input on lights shining into the marine zones. The majority in the room did not support these lights.

Anderson indicated people can continue to talk to Commissioners about their ideas or to email [happydogs27@gmail.com](mailto:happydogs27@gmail.com) with additional comments.

Anderson adjourned the public meeting at 5:50 pm.

Helen Anderson, Chair

Date \_\_\_\_\_

Minutes prepared by H H Anderson on November 15, 2019.



City of Yachats

## YACHATS PLANNING COMMISSION

October 22, 2019

### Work Session Draft Minutes

Vice-Chair Lance Bloch called the October 22, 2019 work session of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Doug Conner, Helen Anderson, Lance Bloch, Jacqueline Danos, Mary Ellen O'Shaughnessey, and Loren Dickinson. Absent: Christine Orchard. Staff Present: City Planner Dave Mattison. Audience: 1.

#### **I. Lighting Public Meeting Discussion**

Commissioner Anderson stated she forwarded emails she has received regarding the questions published in the Newsletter.

Bloch clarified that the public meeting was not set as the November 19, 2019 Planning meetings.

The Commission decided to hold the Public Meeting on lighting at 5:00 pm on Tuesday, November 12, 2019 and would vote on that at the regular meeting.

Anderson stated she was handing out documents on lighting that Commissioner Danos had provided. Danos stressed the importance of protecting the marine environment along the coast.

Commissioners discussed the ways they could present the information, balancing the goal of educating the public and not wanting to imply the Commission held a particular position.

Commissioners discussed the pros and cons of:

- using a power point presentation
- having stations set up at various locations and staffed by a Commissioner
- having experts in to discuss particular topics
- whether to present pros and cons of a regulation or to simply let people raise their own
- asking business owners to present information in favor of their current practices

Anderson clarified that while technically the letters submitted were public records, she was not planning to distribute them. She indicated she would provide a public summary of comments submitted.

Commissioners agreed the main purpose of the meeting was to get input and not to promote any particular position.

1 Bloch noted that having a code enforcement officer will help with enforcement. Anderson stated  
2 that Code Enforcement Officer Matt Phillips has been introducing himself to businesses and  
3 learning the layout of the City. Planner Mattison stated it was helpful to have Phillips living in  
4 the City.

5  
6 Bloch clarified that the meeting would be audio recorded and that Commissioners could each  
7 take their own notes.  
8

9 Anderson raised the issue of coming into compliance for new regulations, noting that some  
10 people have already asked this question to staff. She recalled that there would be a time to get  
11 into compliance as part of the code. Mattison explained how requiring area of illumination in site  
12 plans as part of a building application could work. Commissioner Dickinson asked for  
13 clarification on what stipulations could be made by the Planner in a building review.  
14

15 Bloch stated that it would be difficult for the City to provide shielding as there were different  
16 types of shielding required for different lights and locations, such as a light from a second story  
17 versus lower to the ground. He noted the difference between Title 5 and Title 9 regulations.  
18 Anderson asserted they should not address this difference at this time.  
19

20 Anderson stated that it was brought to her attention that there was a definition for the size of a  
21 parking space in Section 9.04.030 for "Parking, Off-street." The Commission discussed the  
22 meaning of "Required off-street parking spaces shall not be located in a required yard that abuts  
23 a street." Dickinson provided a comprehensive explanation of the intent and ramifications of this  
24 statement. Mattison added that the intent was to push parking to the side or rear. Commissioners  
25 discussed this regulation and decided it could be left as is.  
26

27 Bloch adjourned the work session at 3:01 pm.  
28  
29  
30

31  
32 \_\_\_\_\_  
Lance Bloch, Vice-Chair

31  
32 \_\_\_\_\_  
Date

33  
34 Minutes prepared by H H Anderson on November 10, 2019.  
35



City of Yachats

## PLANNING COMMISSION

October 22, 2019

### Draft Minutes

#### **I. Call to Order**

Chair Helen Anderson called the October 22, 2019 meeting of the Yachats Planning Commission to order at 3:02 pm in Room 1 of the Yachats Commons. Members present: Helen Anderson, Jacqueline Danos, Loren Dickinson, Lance Bloch, Mary Ellen O'Shaughnessey, and Doug Conner. Absent: Christine Orchard. Staff present: none. Audience: 1.

#### **II. Announcements and Correspondence - none**

#### **III. Minutes**

##### **A. September 17, 2019 Work Session**

##### **B. September 17, 2019 Regular Meeting**

Commissioner Danos moved to approve the September 17, 2019 work session and regular meeting minutes as amended: Aye – 6; No – 0.

#### **IV. Citizen's Concerns - none**

#### **V. Public Hearings**

Planner Mattison stated he received scaled drawings of Hetzler's parking plans in early September. He indicated Hetzler now wanted to go through the variance process. He stated she needed to get her application in by the 30<sup>th</sup>. Anderson suggested that Mattison set the deadline for October 29, 2019 when he was in the office and suggested he get the addresses for the Measure 56 notice set up now. Anderson asked Mattison to send the drawings to the Commissioners. Commissioner Danos recalled this meeting was pushed back for a week to enable a discussion of her plans. Mattison explained Hetzler now wanted to go through the variance process. Danos clarified that Hetzler was to provide information on the uses for each building. Mattison stated the uses do not require a variance at this time.

Anderson noted that the Planning Commission could adjust the number parking spaces that the variance was requesting. Mattison clarified that notice had to go out twenty days in advance and the Commission would get a staff report to the Commission seven days in advance.

Anderson reminded Commissioners that they would need to declare site visits as part of the variance meeting.

#### **VI. Business**

1           **A. Public Meeting**

2 Commissioner Conner moved to hold a public meeting on November 12, 2019 at 5:00 pm to receive  
3 input on potential lighting regulations: Aye – 6; No - 0.  
4

5           **B. Commissioner Renewals**

6 Anderson clarified that Commissioners Bloch and Dickinson would be renewing their terms.  
7

8           **C. Financial Needs**

9 Anderson explained the Finance Committee was asking Commissions to report their financial needs  
10 for the coming year. Conner wanted to include something for a Citizens Involvement Program. He  
11 indicated he would send Anderson the information on this program.  
12

13 Danos wanted the Commission to support a visioning process conducted by professional planners.  
14 She suggested actionable items were not created from previous studies and plans. Conner noted the  
15 Citizens Involvement Program required the establishment of a Citizens Committee. Anderson  
16 asked if the Commission wanted to take on this responsibility. Bloch noted the Commission  
17 already had a long list of items to address.  
18

19 Danos suggested an issue like housing should be part of the Planning Commission's work. She  
20 suggested professionals could contribute methods for how this could be achieved. Anderson stated  
21 the Commission has to review the Comp Plan every two years. She suggested the Commission set  
22 their priorities at the time of this review. Anderson indicated she did not see why the Commission  
23 needed professional help. Anderson indicated she did not support having people outside of the City  
24 determining what the relevant topics were for Yachats. Danos believed having a third-party,  
25 unbiased person to set priorities was preferred.  
26

27 Danos and Conner suggested Citizens Involvement and visioning for the City go hand-in-hand.  
28 Anderson indicated citizens can be involved in the Comp Plan review. Mattison suggested making  
29 an outline of the Comp Plan to identify what needed to be done. He suggested the Commission  
30 would present ideas to the Council who would then let the Commission know what to focus on.  
31

32 Mattison suggested visioning helps to determine how to change the Comp Plan.  
33

34 **VII. Planner's Report**

35 Mattison reported there were several permits approved. He did not have an address for the new  
36 single-family home. Anderson asked if 348 Highway 101 was for the Farm Store. Mattison  
37 indicated this permit was the original one for the Farm Store. Anderson asked if they were going to  
38 get a variance for being 38 feet tall. Danos asked what was being remodeled. Mattison explained  
39 the remodeling was to come into compliance with State codes. Anderson stated there have been no  
40 permits to go beyond the original one-story structure that previously existed. Anderson indicated if  
41 this permit was to come into compliance per what the attorney was working with the Farm Store on  
42 there was not a problem; however, if this work was for new remodeling, there was a problem. She  
43 argued that before they can make additional changes, they need to come into compliance for the  
44 construction already done. Mattison indicated he would get clarification on exactly what was being  
45 done. Mattison believed the County approved the internal changes to the building. Mattison  
46 indicated he was not aware there was a need to get permits for the whole building. Mattison  
47 believed this permit was to correct what they were previously needed inspections for.

1 Bloch asked if Mattison had discussed this issue with the City Manager. He noted there have  
2 significant arguments over this issue over the past four years, noting the building was once chained.  
3 Dickinson stated the issue centered around obtaining a Certificate of Occupancy. Dickinson  
4 explained it would be problematic if there were changes beyond what was required to get the  
5 Certificate of Occupancy before the certificate was obtained.

6  
7 Anderson asked Mattison to find out if the Commission should ask for a variance for the building  
8 height. Conner noted the Commission was asking Hetzler to get a retroactive variance for her  
9 parking situation.

10  
11 Mattison reviewed items in his report. He highlighted at the Coastal Planners Conference in  
12 Florence that the DLCD representative suggested the City have more on the wetlands inventory in  
13 the Code.

14  
15 Mattison provided a list of changes to the code to make it easier to understand. He suggested trees  
16 and fences are items that need review. Mattison suggested updating the violation consequences of  
17 the code. Anderson suggested that Title 9 does have a stipulation that all violations of Title 9 were  
18 Class A Misdemeanors and the issue was more about issuing citations.

19  
20 Mattison suggested his ideas could be incorporated into the Commission's work to set goals for the  
21 coming year.

22  
23 Mattison indicated he would investigate more the wetlands inventory, as the last one for the City  
24 was done in 1997. Anderson asked which plan contained the listing of resources such as  
25 shorelands. Conner suggested the inventory in the Comp Plan listed the resources. Conner clarified  
26 with Mattison that he would get information on what was needed in mitigation plans.

27  
28 Commissioners wanted to know what the attachments referenced in the Comp Plan were. Anderson  
29 indicated she would look through the old documents on the website to see if those were part of the  
30 old website.

31  
32 Mattison recommended that the Commission add references to the 804 Trail/Pacific Coastal Trail in  
33 the Comp Plan. Danos noted there was grant money available to enhance bike trails.

34  
35 **VIII. Other Business**

36 **A. From the Commission - none**

37 **B. From Staff - none**

38  
39 Anderson adjourned the meeting at 4:01 pm.

40  
41  
42  
43  
44 \_\_\_\_\_  
Helen Anderson, Chair

\_\_\_\_\_

Date

45  
46 Minutes prepared by H H Anderson on November 10, 2019.

CASE FILE: #1-CU-PC-19  
DATE FILED: Oct. 7, 2019  
DATE APPLICATION DEEMED COMPLETE: Oct 10, 2019  
120-DAY COMPLETION DATE: Feb. 9, 2020  
HEARING DATE: Nov. 19, 2019  
PREVIOUS ACTION: None

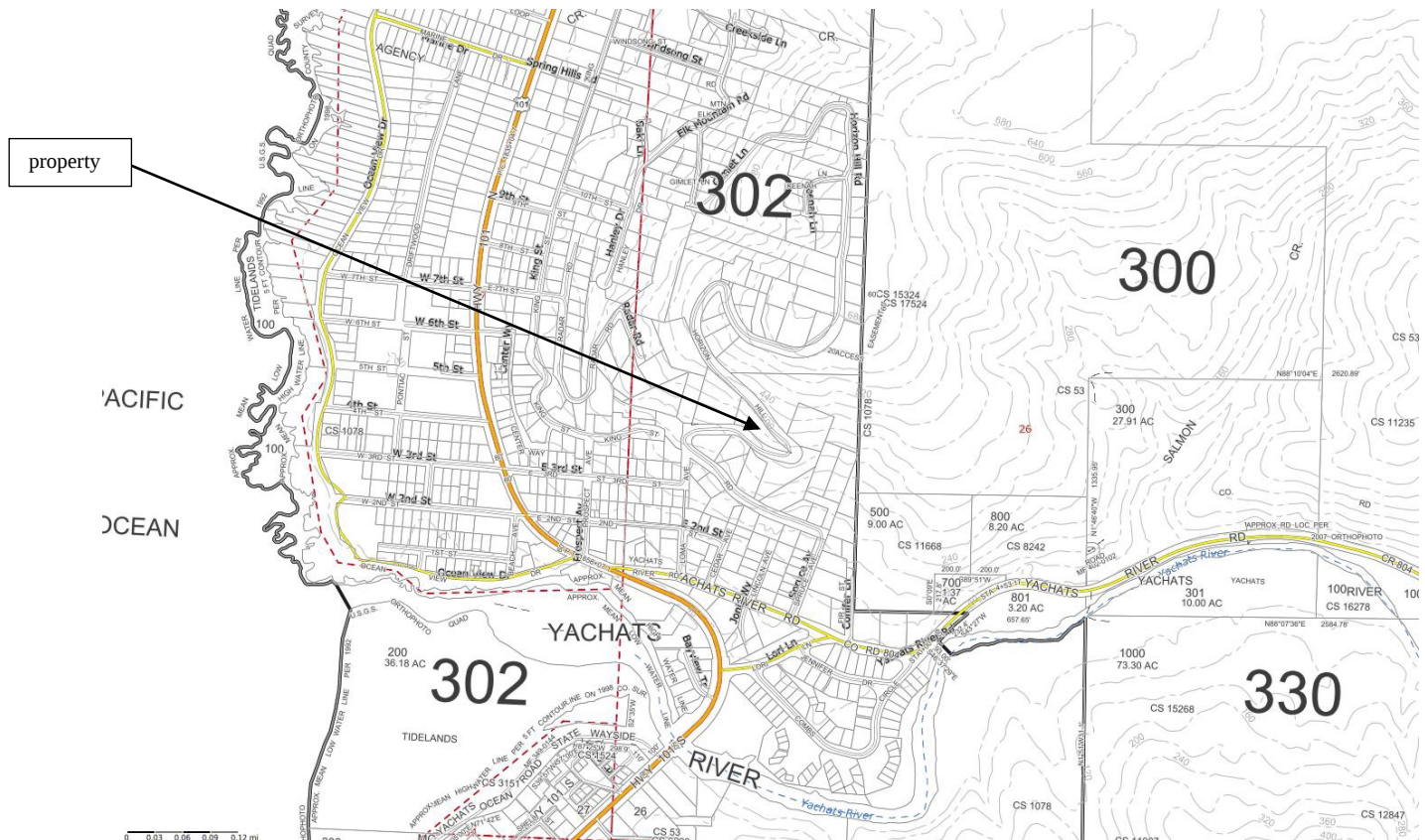
# STAFF REPORT

## Conditional Use Application

**APPLICANT:** Jeffrey K. Teeters and Marci D. Caldwell, 481 Horizon Hill Road, PO Box 877, Yachats, OR 97498

### A. REPORT OF FACTS

1. Applicant's Request: The applicant is requesting a conditional use permit to operate a 1-bedroom Bed & Breakfast within the single family dwelling onsite.
2. Property Location: The subject property is located at 481 Horizon Hill Road; and described on the Lincoln County Assessor's Map 14-12-26CB as Tax Lot 9400.



3. Zoning: Residential Zone R-1

4. Plan Designation: Residential
5. Lot Size and Configuration: The triangular-shaped parcel totals approximately 31,800 square feet or 0.73 acres, located at a switchback on Horizon Hill Road.
6. Existing Structures: There is one single family dwelling on the property.
7. Topography and Vegetation: The subject property is significantly sloped with trees and shrubs on the perimeter of the property. A switchback on Horizon Hill Road cuts uphill on the southeast side of the subject property.
8. Surrounding Land Use: Surrounding land uses primarily consist of single-family dwellings and undeveloped residentially-zoned properties to each side of the subject property.
9. Utilities: The following utilities are located on Horizon Hill Road and are utilized by the existing single-family dwelling on the subject property.
  - Water & Sewer: City of Yachats
  - Electricity: Central Lincoln PUD
10. Development Constraints: Steep slope.
11. History of Requests on the Subject Property: In 2015, a 15-foot building setback variance was approved by the City Planning Commission under file number 1-VAR-PC-15.
12. Comments Received: None.



## B. EVALUATION OF REQUEST

1. **Applicant's Proposal:** The applicant submitted the required application form and fee, and building plans, and met with the city planner to review bed and breakfast standards identified in the Yachats Zoning and Land Use Ordinance (Yachats Municipal Code, Title 9).

2. **Relevant Yachats Municipal Code (YMC) Criteria:**

### **YMC Chapter 9.04.030 Definitions**

"Bed and Breakfast facility" means a single-family dwelling containing rooms for rent in accordance with Section 9.72.050.

### **YMC Chapter 9.12 R-1 Residential Zone**

#### **9.12.030 Conditional Uses**

In an R-1 zone the following use is permitted conditionally

E. Bed and Breakfast facility.

### **YMC Chapter 9.48 Off-Street Parking and Loading**

D. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling.

E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

F. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum city road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.

I. Any lights provided to illuminate any public or private parking area or sales area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.

L. Off-street parking space requirements:

1. Residential dwellings: Residential dwellings shall provide the following off-street parking spaces:

One-family dwelling, two spaces.

### **YMC Chapter 9.72 Conditional Uses**

#### **Section 9.72.010 Authorization to grant or deny conditional use permits.**

Conditional uses listed in this title may be permitted, enlarged, altered or denied by the Planning Commission in accordance with the standards and procedures set forth in this chapter.

A. In taking action on a conditional use permit application, the Planning Commission may either permit or deny the application. The Planning Commission's action must be based on findings addressing the requirements of the comprehensive plan and zoning ordinance, as addressed in Chapter 9.88.

B. In permitting a conditional use or the modification of a conditional use, other than a manufactured dwelling, manufactured dwelling park or multifamily dwelling, the Planning

Commission may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which are considered necessary to protect the best interests of the surrounding city as a whole. These conditions may include, but are not limited to the following:

1. Increasing the required lot size or yard dimensions;
2. Limiting the height of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the street width;
5. Increasing the number of required off-street parking spaces;
6. Limiting the number, size, location and lighting of signs;
7. Requiring fencing, screening, landscaping, walls, drainage or other facilities to protect adjacent or nearby property;
8. Designating sites for open space;
9. Setting a time limit for which the conditional use is approved;
10. Regulation of noise, vibration, odors and sightliness;
11. Requiring surfacing of parking areas;
12. Regulation of hours of operation and duration of use or operation;
13. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purpose of the Yachats comprehensive plan;
14. If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.

**Section 9.72.040 Time limit on a conditional use permit.**

Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed six months on request.

**Section 9.72.050 Standards and procedures governing conditional uses.**

**E. Standards for Bed and Breakfast Facilities.**

1. A bed and breakfast facility must be in a one-family dwelling.
2. A maximum of five bedrooms may be rented.
3. The facility shall be the residence of the operator, who is the owner or lease holder of the building.
4. A resident, relief manager may be employed for no more than five months per year, unless approved by the Planning Commission.
5. Rooms may not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.

6. The exterior of the building shall maintain a residential appearance.
  7. A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.
  8. The facility must meet applicable county and state health, safety (including but not limited to the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.
  9. An externally illuminated sign will be permitted on premises with a maximum area of three square feet, subject to approval by the Planning Commission.
  10. One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.
  11. A conditional use permit approved for a bed and breakfast facility will be reviewed by the city planner at the end of each calendar year and the permit renewed for an additional year if permit conditions have been met. The permit may be withdrawn by the Planning Commission if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the city in writing prior to the Planning Commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.
  12. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section 9.88.050 reduced to one-half.
3. **Public Testimony Received:** At the time this staff report was prepared the City had not received any written testimony.

## C. STAFF ANALYSIS

### 1. The Request and the R-1 Residential Zone

The applicant is requesting a conditional use permit to operate a 1-bedroom Bed & Breakfast within a single-family dwelling in the R-1 Residential Zone. Bed & breakfast facilities are allowed as a conditional use in the R-1 zone.

### 2. Conditional Use

In taking action on a conditional use permit application, the Planning Commission may either permit or deny the application. The Planning Commission's action must be based on findings addressing the requirements of the comprehensive plan and zoning ordinance. In permitting a conditional use the Planning Commission may impose conditions which are considered necessary to protect the best interests of the surrounding city as a whole.

YMC Chapter 9.72.050.E describes standards for Bed & Breakfast facilities. The standards are identified below in *italics* and followed by a response from the applicant.

a. *A bed and breakfast facility must be in a one-family dwelling.*

APPLICANT RESPONSE. 481 Horizon Hill Road is a single-family dwelling home. It will be the location of the proposed 1-bedroom Bed and Breakfast.

b. *A maximum of five bedrooms may be rented.*

APPLICANT RESPONSE. The proposed B&B (bed and breakfast) will have 1 bedroom available for rent.

- c. *The facility shall be the residence of the operator, who is the owner or lease holder of the building.*

APPLICANT RESPONSE. The property owners will reside in the facility.

- d. *A resident, relief manager may be employed for no more than five months per year, unless approved by the Planning Commission.*

APPLICANT RESPONSE. The owner plans to personally manage the B&B. The owner will have a relief manager for a one month period.

- e. *Rooms may not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.*

APPLICANT RESPONSE. Owner will restrict guests to staying within the City rules and requirements, i.e. no more than 7 consecutive days and no more than 15 days in any 30-day period.

- f. *The exterior of the building shall maintain a residential appearance.*

APPLICANT RESPONSE. The exterior of the home will not be remodeled for the B&B.

- g. *A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.*

APPLICANT RESPONSE. The owner will serve breakfast on site, as the only meal provided to guests.

- h. *The facility must meet applicable county and state health, safety (including but not limited to the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.*

APPLICANT RESPONSE. The house meets Lincoln County Building Code requirements and all other safety requirements.

- i. *An externally illuminated sign will be permitted on premises with a maximum area of three square feet, subject to approval by the Planning Commission.*

APPLICANT RESPONSE. An 18 inch by 18 inch sign will be placed on the property for the B&B that meets the applicable standards of the Yachats Municipal Code.

- j. *One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.*

APPLICANT RESPONSE. The proposed one bedroom B&B will have one designated parking space in addition to the two (2) parking spaces provided for the home.

- k. *A conditional use permit approved for a bed and breakfast facility will be reviewed by the city planner at the end of each calendar year and the permit renewed for an additional year if permit conditions have been met. The permit may be withdrawn by the Planning Commission if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified*

*by the city in writing prior to the Planning Commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.*

APPLICANT RESPONSE. Owner understands that the approved B&B is a conditional use permit to be reviewed each year.

- l. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section 9.88.050 reduced to one-half.*

STAFF ANALYSIS: The applicant acknowledges a new conditional use permit shall be required if more than the one room is to be rented.

#### **D. CONCLUSIONS**

If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption at the next meeting.

If the request is approved, staff offers the following recommended conditions of approval, which may be added to or amended at the Commission's discretion:

1. The Bed and Breakfast shall have a maximum of 1 room that can be rented.
2. The owner shall reside at the Bed and Breakfast.
3. The resident relief manager may be employed for no more than five months per year.
4. Rooms shall not be rented for more than seven (7) consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.
5. The exterior of the building shall maintain a residential appearance.
6. A morning meal shall be served on premises and included within the room charge for guests of the facility.
7. The facility shall meet applicable county and state health, safety codes (including but not limited to Lincoln County Building Code requirements concerning maximum occupancy) and liability requirements.
8. The sign for the Bed and Breakfast shall meet all Yachats Municipal Code sign requirements for a Bed and Breakfast.
9. One on-site parking spaces shall be maintained for the Bed and Breakfast.
10. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section 9.88.050 reduced to one-half.

Submitted by,

David Mattison  
City Planner

Enclosures:     • Vicinity Map  
                      • Aerial Photograph  
                      • Applicant's Narrative – Responses to Conditional Use Criteria for a B & B

#1-W-PC-19

## BED AND BREAKFAST APPLICATION

City of Yachats  
PO Box 345  
441 Hwy 101 N  
Yachats OR 97498  
(541) 547-3565  
FAX (541) 547-3063

Date Received: 10/7/19

check #4358

\$250.00 fee

(Actual expenses in excess of the fee will be billed.)

Applicant: Jeffrey K. Teeter & Marcin Q. Caldwell

Site Address: 481 Horizon Hill Road

Mailing Address: PO Box 877 City: Yachats State: OR Zip: 97498

Daytime Phone: (541) 819-2971 (Jeff) 541-819-2972 (marci)

Legal Description: 14-12-26CB, Tax Lot 9400 Current Zone: R-1

Lot Dimensions: See Drawing Area: 31,800 sq. feet

The residence is now a single-family dwelling ☒ yes ☐ no

The exterior of the building shall maintain a residential appearance ☒ yes ☐ no

The exterior of the building will be altered ☐ yes ☒ no  
(If yes - attach description of proposed alterations. Please note a building permit may be necessary for any changes.)

A morning meal will be provided ☒ yes ☐ no

Guests will be limited to a stay of no more than ☒ yes ☐ no  
7 consecutive days and an aggregate of no more than 15 days in any 30-day period

A sign will be installed ☒ yes ☐ no  
(If yes - attach a plan of the sign showing proposed sign giving dimensions and design, and the sign's location on the property. Please note, if plan for sign is submitted at later date a sign permit and fee will be required.)

Number of bedrooms to be rented: 1

Parking spaces available: 1

# BED AND BREAKFAST APPLICATION

## SUPPLEMENTAL REQUIRED INFORMATION

Mark all attached to application:

☒ Site Plan of subject property showing all property lines, location, extent, and arrangement of all off-street parking.

☒ Existing and proposed structures and their location in relationship to property lines.

☒ Location of access to adjacent arterial or collector.

☐ Narrative which addresses applicable ordinance standards (required for all land use actions).

☐ Other:

---

I have read the above application and hereby certify all information contained therein to be true and complete to the best of my ability. I understand that this application will not be processed until all required information is submitted to the City.

I also understand that if a conditional use permit is approved, the facility must meet applicable County and State health, safety, and liability requirements, including but not limited to the Uniform Building Code requirements concerning maximum occupancy.

*Jeffrey P. Foster & Marcia Q. Caldwell*  
Signature of Applicant

10/7/19  
Date

14-12-2CCB  
TAX LOT 9400

~160'

481 HORIZON HILL RD  
LOT = 31,800 SQ FT

~2400'

HORIZON HILL ROAD

HOUSE

PROPERTY LINE

DRIVEWAY  
SIGN

PARKING

EDGE OF ROAD

PROPERTY LINE

GUEST  
PARKING

DRIVEWAY

36'

75'

18" SQ  
SIGN  
ABOVE  
DRAIN OPEN

GUEST  
ENTRY

HOUSE

PROPERTY LINE

EDGE OF ROAD

481  
HORIZON HILL RD,  
YACHTS

04/OrderImage/13965924z.jpg).

zoom (/xp2/2019/2019-08-04/OrderImage/13965924z.jpg).

Add

+ Si

18" X 18"

ADD  
B & B



(/xp2/2019/2019-08-04/OrderImage/13965938z.jpg).

zoom (/xp2/2019/2019-08-04/OrderImage/13965938z.jpg).

Add

Section 9.72.050 Standards and procedures governing conditional uses.

E. Standards for Bed and Breakfast Facilities.

1. A bed and breakfast facility must be in a one-family dwelling.

481 Horizon Hill Road is a single-family home

2. A maximum of five bedrooms may be rented.

The proposed B&B will have one bedroom available for rent.

3. The facility shall be the residence of the operator, who is the owner or lease holder of the building.

The property owners will reside in the home.

4. A resident, relief manager may be employed for no more than five months per year, unless approved by the Planning Commission.

Owner plans to personally manage the B&B - will have relief manager for one month period.

5. Rooms may not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.

Owner will restrict guests to staying within City rules & requirements.

6. The exterior of the building shall maintain a residential appearance.

The exterior of the home will not be remodeled for the B&B.

7. A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.

We will serve breakfast on site as the only meal provided to guests.

8. The facility must meet applicable county and state health, safety (including but not limited to the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.

The house meets Lincoln County building requirements and all other safety requirements.

9. An externally illuminated sign will be permitted on premises with a maximum area of three square feet, subject to approval by the Planning Commission.

*An 18" x 18" sign will be placed on the property for the B&B that meets City requirements.*

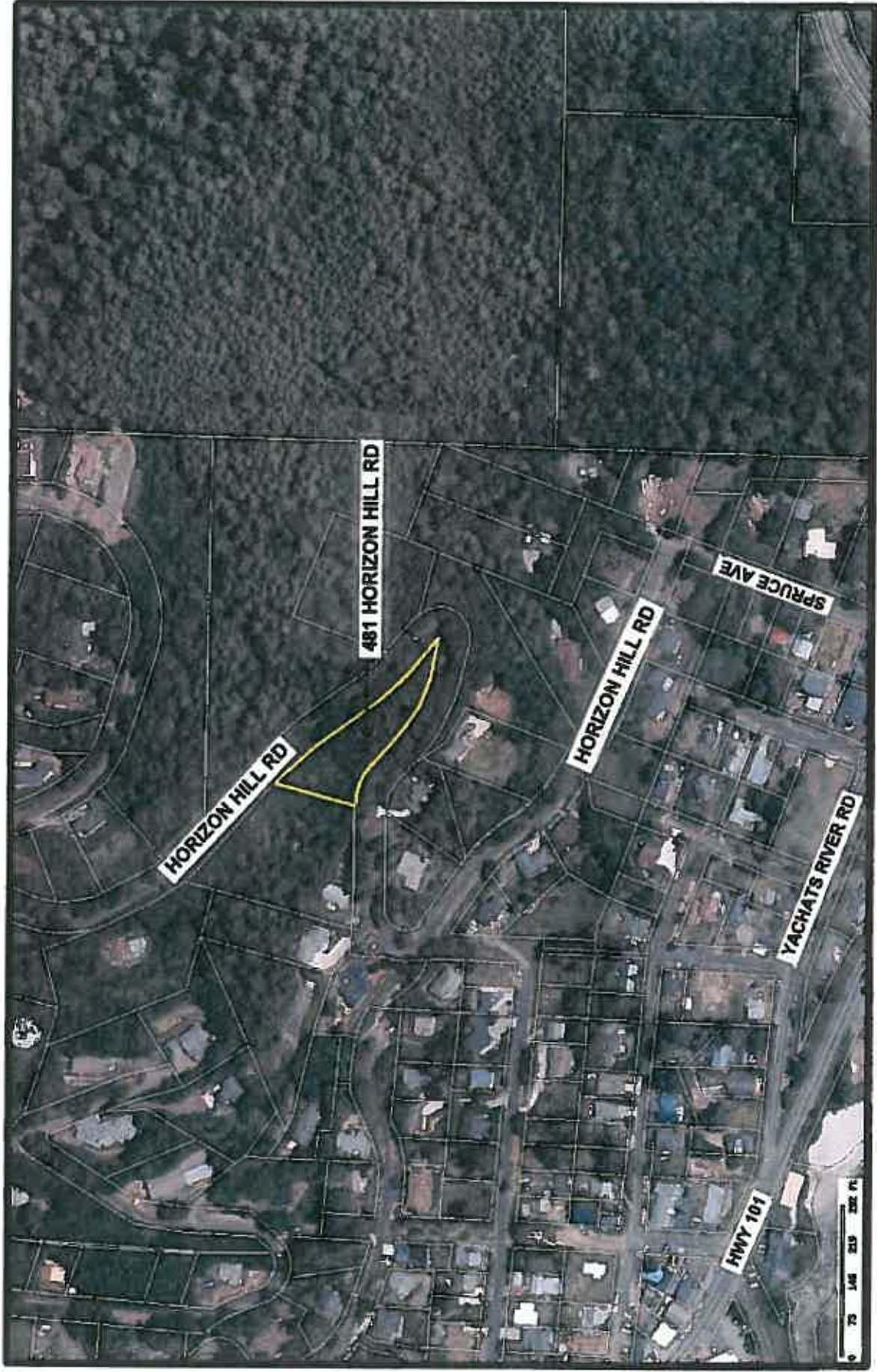
10. One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.

*The proposed one bedroom B&B will have one designated parking space in addition to the two parking spaces provided by the home.*

11. A conditional use permit approved for a bed and breakfast facility will be reviewed by the city planner at the end of each calendar year and the permit renewed for an additional year if permit conditions have been met. The permit may be withdrawn by the Planning Commission if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the city in writing prior to the Planning Commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.

*Owner understands that the approved B&B is a CUP to be reviewed each year.*

12. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section 9.88.050 reduced to one-half.



Printed 01/27/2015

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## CITY OF YACHATS

**PO Box 345 (441 N. Highway 101), Yachats OR 97498**

Phone (541) 547-3565

Fax (541) 547-3063

Relay Oregon 800-735-2900 (TDD)

October 22, 2019

### NOTICE OF PUBLIC HEARING

**#1-CU-PC-19**

#### **Yachats Planning Commission**

**Applicant:** Jeffrey K. Teeters and Marci D. Caldwell, 481 Horizon Hill Road, PO Box 877, Yachats, OR 97498

**Public Hearing Date and Location:** A public hearing will be held before the Yachats Planning Commission, Tuesday, November 19, 2019, 3:00 p.m., at the Yachats Civic Meeting Room, Yachats Commons, 441 North Highway 101, Yachats, OR 97498.

**Site Location:** The subject property is located at 481 Horizon Hill Road; and described on the Lincoln County Assessor's Map 14-12-26-CB, Tax Lot 9400.

#### **Proposed Development**

**Action:** The applicant is requesting a conditional use permit to have a Bed and Breakfast in the existing residential home on the subject property. A Bed and Breakfast in the R-1 Zone District requires a conditional use permit application.

**Applicable Criteria:** Yachats Municipal Code, Title 9 Zoning and Land Use

- Chapter 9.04 Definitions
- Chapter 9.12 R-1 Residential Zone
- Chapter 9.48 - Off-Street Parking and Loading
- Chapter 9.52.050 - Hazard areas
- Chapter 9.72 Conditional Uses

**Contact:** David Mattison, City Planner (541) 547-3565, ext. 104

A copy of the application, all documentation and evidence submitted by or on behalf of the applicant, applicable criteria, and other relevant information are available for inspection at no cost, and copies can be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost seven (7) days prior to the hearing, and copies can be provided at a reasonable cost.

Written comments may be submitted to the City of Yachats, at 441 North Highway 101, Yachats, Oregon, mailed to PO Box 345, Yachats, OR 97498, or emailed to [planner@yachatsmail.org](mailto:planner@yachatsmail.org). You are encouraged to submit written testimony to the City at least one (1) week in advance of the Tuesday, November 19, 2019, 3:00 pm hearing. Written testimony received prior to the meeting will be forwarded to the Planning Commission. The public may provide oral testimony at the public hearing.

Failure to raise an issue in person or by letter, or failure to provide statements or evidence sufficient to allow the decision-maker an opportunity to respond to the issue precludes appeal to the land use board of appeals (LUBA) based on that issue.

E-MAIL [cityhall@mail.yachatsoregon.org](mailto:cityhall@mail.yachatsoregon.org) WEB SITES [www.yachatsoregon.org](http://www.yachatsoregon.org) [www.yachatsdocuments.info](http://www.yachatsdocuments.info)

*The City of Yachats OR does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation or any other legally-protected status.*

The map displays the coastal region of Yachats, Oregon. The Pacific Ocean is on the left, with a shoreline marked by a dashed line. The Yachats River flows from the top right towards the center. Land parcels are outlined and labeled with acreage and parcel numbers (e.g., 300, 302, 301, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040, 1041, 1042, 1043, 1044, 1045, 1046, 1047, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1



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14-12-26-BC-04400  
Mindell Arnold Trustee &  
Amy Sue Trustee  
PO Box 549  
Yachats, OR 97498

14-12-26-CB-08600  
STRAUB SONJA B TRUSTEE  
3150 SE MANNTHEY RD  
CORBETT, OR 97019

14-12-26-CB-08400-00  
BUCHANON JAMES F  
PO BOX 303  
CORONA DEL MAR, CA 92625

14-12-26-BC-04000  
HALLAHAN EDWARD T JR TRUSTEE &  
HALLAHAN JOANN H TRUSTEE  
PO Box 211  
Yachats, OR 97498

14-12-26-CB-08500  
DOBMEIER MICHAEL E TSTEE &  
DOBMEIER GERRIE C TSTEE  
4064 LIMBER PINE RD  
FALLBROOK, CA 92028

14-12-26-CB-08700  
MOYER TODD K & KAREN L  
1420 NW LOVEJOY APT #328  
PORTLAND, OR 97209

14-12-26-CB-09500  
SPAKES JOHN W JR & MAY SUSAN D  
PO BOX 540  
YACHATS, OR 97498

14-12-26-CB-09000  
NELSON WILLIAM C & LINDA E  
2820 N HALL ST  
DALLAS, TX 75204

14-12-26-CB-09300  
HALLAHAN EDWARD T JR TRUSTEE  
&HALLAHAN JOANN H TRUSTEE  
PO BOX 211  
YACHATS, OR 97498

14-12-26-CB-09900  
HALLAHAN EDWARD T JR TRUSTEE  
&HALLAHAN JOANN H TRUSTEE  
PO BOX 211  
YACHATS, OR 97498

14-12-26-CB-09400  
TEETER JEFFREY K & CALDWELL  
MARCI D  
PO BOX 877  
YACHATS, OR 97498

14-12-26-CB-09600  
GOLDEN WILLIAM T COTSTEE  
&GOLDEN SHIRLEY M COTSTEE  
PO BOX 27828  
FRESNO, CA 93729

14-12-26-CB-08200  
BUCHANON JAMES FIELDING  
PO BOX 303  
CORONA DEL MAR, CA 92625

14-12-26-CB-08300  
DUKE NATHAN L COTRUSTEE &DUKE  
DEBORAH L COTRUSTEE  
2470 LARIAT MEADOWS DR  
Eugene, OR 97401

14-12-26-CB-09600  
GOLDEN WILLIAM T COTSTEE  
&GOLDEN SHIRLEY M COTSTEE  
PO BOX 27828  
FRESNO, CA 93729

**FINAL SUMMARY OF PRIORITY BILLS / 2019 LEGISLATIVE SESSION**  
**ENROLLED PRIORITY BILLS**  
**UPDATED - JULY 19, 2019**

**Budget**

**HB 5027** – DLCD’s budget bill providing for the following funds: General Fund (Planning Program \$11.9 M, Grant Program \$1.64M), Federal Funds (\$6.76M), and Other Funds (\$1.46M). This represents a net increase of 5% as compared with the 2017-19 operating budget.

**HB 5050** – The end of session bill related to state financial administration. Allocated \$2M dollars to DLCD for implementation of HB 2001 and HB 2003. Grant money for local governments to conduct associated work (\$3.5M for HB 2001 and \$1M for HB 2003) included in respective bills.

**Coastal Issues**

**HB 2574** - Directs DLCD to set up an electronic geospatial information database to store and share information related to estuarine planning and shellfish mariculture. Appropriates \$200,000 for this purpose.

**HB 3309** – Removes statutory language related to “essential facilities” from ORS and removes prohibition of placing essential facilities within the tsunami inundation zone. Requires local governments only to consult with DOGAMI in placing new essential facilities. Amends the definition of “surface mining.”

**SB 256** – Repeals the sunset of the moratorium of oil, gas and sulfur leasing in the territorial sea.

**Economic Development**

**HB 2914** – Removes requirement that certain Metro lands in Washington County be zoned for employment land of state significance. Allows re-designation of those lands by local government.

**SB 2** – Allows eastern counties to use an economic opportunity analysis to designate up to 50 acres outside urban growth boundaries for commercial, industrial, and employment uses notwithstanding certain state land use planning goals.

## **Energy**

**HB 2329** – Revises the jurisdiction of the Energy Facility Siting Council for solar energy facilities and provides for county land use approval subject to certain conditions.

## **Farm & Forest Lands**

**HB 2106** – Allows dog training classes to be conducted in farm buildings existing on January 1, 2019 within counties that adopted marginal lands provisions. Allows counties to approve up to five additional one-year extensions of land use permits for residential development.

**HB 2222** – Requires ODF to report annually on the development, implementation and administration of a Forestland-Urban Interface Protection Act.

**HB 2225** – Clarifies the method used for determining “center of tract” when establishing a forest template dwelling. Prohibits the use of property line adjustments to qualify a parcel for a template dwelling. Prohibits the use of deed transfer to qualify parcels for template dwellings. Allows exceptions until November 1, 2023. Establishes effective dates by county.

**HB 2435** – Repeals sunset on law allowing guest ranches to be established on lands zoned for exclusive farm use in eastern Oregon. Requires new guest ranches to report on operations to county.

**HB 2469** – Allows a second dwelling on forestlands within the rural fire protection district near an existing dwelling for the owner or relative who supports the owner’s forestry practices.

**HB 2573** – Reduces the income test for adding a dwelling on a cranberry farm for three years provided the farm owner or operator agrees to a deed restriction preventing the use of the dwelling for rentals.

**HB 2844** – Allows facilities for processing farm products under 2,500 sq. feet on lands zoned for exclusive farm use without regard to siting standards.

**HB 3024** – Prohibits county from considering property tax classification of dwellings that were previously removed, destroyed, demolished or converted to nonresidential uses when reviewing application for replacement dwelling on lands zoned for exclusive farm use.

**HB 3384** – Allows for property expansion of non-conforming secondary schools so long as the school was established on or before January 1, 2009 and the additional property is contiguous and on the same tax lot on which the school was established.

**SB 88** – Allows counties to authorize construction of accessory dwellings on lands zoned for rural residential use subject to certain conditions. Requires Department of Consumer & Business Services (DCBS) to map wildfire risk and to develop appropriate fire protection standards within the state building code for accessory dwelling units based on identified fire risk. Directs the DCBS and Oregon State University to report to the Legislature on updates to maps and state building code no later than Sept. 15, 2020.

**SB 287** – Allow a farm brewery on lands zoned for exclusive farm use or mixed farm and forest use provided the brewery produces less than 150,000 barrels annually, less than 15,000 barrels on the farm brewery site and either owns an on-site hop farm of 15 acres or obtains hops from contiguous properties.

**SB 408** – Allows a county to approve certain divisions of land zoned for exclusive farm use for the purpose of siting utility facilities.

### **Housing**

**HB 2001** - Requires cities with populations from 10,000 – 25,000 to allow duplexes on each lot in an area that allows for detached single-family dwellings by June 30, 2021. Requires cities with populations over 25,000 and each county or city within Metro to allow middle housing up to quads in areas that allow for the detached single-family dwellings by June 30, 2022. Middle housing requirements do not apply to Metro cities with populations of 1,000 or fewer or lands not within UGBs. Directs DLCD to adopt a model middle housing ordinance by Dec. 31, 2020. Provides that a local government not acting within these prescribed times shall directly apply the model ordinance until such time that the local government acts. Authorizes DLCD to grant time extensions for specific areas where deficiencies exist in water, sewer, storm drainage or transportation services. Provides that when housing need exceeds housing capacity (as determined by the buildable lands inventory), and a city elects to use “efficiency measures” under ORS 197.296(6), that non-Metro local governments may not project increased residential densities above achieved densities by more than 3% unless the assumed capacity has been achieved within the local jurisdiction or a jurisdiction in the same region. Provides that Metro must demonstrate that the assumed housing capacity has been achieved within the district. Clarifies that “reasonable local regulations relating to siting and design” for ADUs does not include owner-occupancy or additional off-street parking requirements except for vacation occupancies. Amends severely rent burdened

statute so that cities with populations more than 10,000 must also provide information to DLCD on the total number of units permitted and produced for ADUs and middle housing units. Prohibits a restrictive covenant or other instrument conveying title to restrict middle housing as of the date of the bill. Provides for appropriations for DLCD's adoption of the model ordinance and enforcement of middle housing requirements. Appropriates \$3.5M to DLCD for the purpose of providing technical assistance to local governments.

**HB 2003** – Directs the Oregon Housing & Community Services Department (OHCS), in consultation with DLCD and the Department of Administrative Services (DAS), to develop a regional housing needs methodology and then apply the methodology to each city and Metro (including an inventory of existing housing stock and to establish housing shortage analysis) on or before September 1, 2020. Requires OHCS to report findings from the study to interim committee by March 1, 2021 and requires DLCD to provide an evaluation of the regional housing analysis to interim committee no later than March 1, 2021. Establishes requirement for LCDC to set a schedule by December 31, 2019, for updating Housing Needs Analyses (HNA) for at least once each 8 years for local governments not in Metro and at least once each 6 years for Metro. Requires cities with populations more than 10,000 to develop and adopt a housing production strategy (HPS) no later than one year after their HNA deadline in the schedule adopted by LCDC, or within a year of the date scheduled by LCDC to address any housing allocation assignment by Metro. Describes HPS to include specific actions that city shall undertake to promote development to address a housing need. Requires a city to submit an adopted HPS or an amendment thereof to DLCD. Directs DLCD to either approve, approve with conditions or remand the HPS within 120 days after submittal. Requires LCDC to adopt criteria for reviewing and identifying cities that have not sufficiently produced needed housing or implemented a HPS. Amends annual housing reporting requirements for cities with more than 10,000 people. Removes some regulatory barriers for affordable housing development on public property. Requires Metro cities to take steps to demonstrate sufficient residential development within 2 years after the date of allocation. Appropriates funding for DLCD to implement the Act and another \$1M to DLCD to provide technical assistance to local governments.

**HB 2336** – Removes the population requirement for an affordable housing pilot program if no qualifying nomination is received for city with population under 25,000. In effect, the bill allows LCDC to select the City of Redmond to participate in the pilot project.

**HB 2916** – Expands transitional housing accommodations allowed inside urban growth boundary to include certain structures.

**HB 2997** – Authorizes cities with populations greater than 30,000 but less than 40,000 within county with population greater than 105,000 but less than 125,000 to impose affordable housing conditions on housing developments.

**HB 3450** – Allows a city with a population over 75,000 not within a metropolitan service district to adopt changes to its comprehensive plan and land use regulations authorizing mixed-use housing within up to 40 acres of lands zoned for employment uses. Requires submission of adopted changes to Land Conservation and Development Commission for review.

**SB 534** – Requires city with a population greater than 25,000 to allow single-family dwellings in residential lots platted and zoned within the urban growth boundary for such uses unless the lots have certain constraints or are regulated pursuant to certain statewide land use planning goals.

#### **Natural Hazards**

**HB 2312** – Requires the seller disclose form to include warning regarding flood insurance.

#### **Natural Resources**

**SB 2436** – Directs the Department of State Lands to collaborate with certain entities (including DLCD) to develop a proposal, including recommended legislation for introduction in the 20202 session, for the department to assume partial authority to administer federal wetland dredge and fill permits.

### **Miscellaneous**

**SB 696** – Increases amount of insurance policy that may be required by county governing body to approve permit for outdoor mass gathering.

**HB 2351** – Gives Oregon State Marine Board express authority to regulate boat speed in an effort to control “wake wave energy” on the Willamette River. Requires Marine Board to consider all statewide land use planning goals and to protect areas within the Willamette River Greenway when establishing new regulations to address this issue.

**HB 2790** – Allows counties to require mass outdoor gathering of more than 3,000 people, except for agri-tourism events, to obtain land use permit. Allows counties to charge larger fee for approval of larger mass outdoor gatherings.

**HB 3272** – Limits extension that Land Use Board of Appeals may provide petitioner whose objection to record is denied to seven days from later of original deadline or date of denial. Prohibits board from accepting motions to take evidence not in record after period to object to record. Authorized board to award attorney fees for motions filed without merit or made for purposes of causing frustration and delay.

**HB 3359** – Creates the Vacation Occupancy Task Force. Directs the task force to study and make recommendations on the regulation of vacation occupancies and to consider whether and how vacation occupancies impact the availability and affordability of housing and impact the economic development of communities with significant tourism.

### **Bills that did not pass**

**SB 961** – Requires LCDC to amend statewide land use planning goals related to beaches and dunes to expand the definition of “development.”

**HB 2322** - Directs LCDC to update Goal 13 by identifying the amounts and types of urban and rural lands necessary to be developed consistent with the state’s Renewable Portfolio Standards and statutory greenhouse gas reduction goals by Dec. 2021. Appropriates funding to DLCD for staffing and consulting services to undertake goal revision.

**SB 943** – Allows development of parsonage on land where nonresidential place of worship is an allowed use.

**HB 2075** – Creates the statutory fund for DLCD’s Development Readiness Program (as provided for in Policy Option Package 101 of the Governor’s Recommended Budget).

**SB 10** – Requires cities over 60,000 outside of Metro that are currently served by public transportation to allow prescribed multi-family residential densities within certain distances of stops and stations along priority transportation corridors.

**SB 334** – Requires city to expand its urban growth boundary to include land designated as urban reserve for workforce housing and related commercial development if urban services are or can be made available.

**HB 2536** – Establishes the Oregon Public Places Are Safe Places fund. Continuously appropriates monies to the Office of Emergency Management to identify and develop staging areas for emergency response. The Governor appoints a DLCD representative to sit on the funding advisory committee.

**HB 2560** – Requires counties to use developments standards for siting cellular and technology towers. Allows counties to adopt unique design and siting ordinances in lieu of using language and standards provided in the legislation, allows counties to enforce and fine for non-compliant towers. Requires all cellular and technology towers conform to standards by Jan 1, 2030.

**SB 927** - Repeals the right of an owner to refuse the historic designation of property (note: under current law, an owner can’t refuse a listing under the National Register of Historic Places). Prohibits local regulations relating to the demolition and relocation of properties listed in the National Register of Historic Places but allows local governments to create a historic resources program, including the adoption of land use regulations on the modification, demolition and relocation of designated resources. Maintains any protections for historic resources adopted pursuant to local comprehensive plans, local land use regulations or DLCD rule in effect before the Act’s effective date. Appropriates funding to DLCD to provide grants or technical assistance to local governments in developing or implementing a historic resource program.

**HB 2020** – Establishes the Carbon Policy Office within DAS and directs the Carbon Policy Office to adopt Oregon Climate Action Program by rule (i.e., “cap & invest” program). DLCD’s work related to transportation planning and climate adaptation are mentioned in the bill.

**SB 928** – Establishes the Oregon Climate Authority and Oregon Climate Board. Abolishes the Oregon Department of Energy and transfers the department’s duties, functions and powers to the authority.

**HB 2355** – Allows cider businesses producing less than 100,000 gallons annually on lands zoned for farm use when businesses own certain orchards of at least one acre.

**HB 2456** – Allows counties to rezone up to 200 acres within the Eastern Oregon Border Economic Development Region from exclusive farm use to residential uses.

**HB 2228** – Directs OHCS and DLCD to enter into an intergovernmental agreement with Association of Oregon Counties and League of Oregon Cities to develop and manage the regional delivery of planning and other services related to housing. Appropriates funding to OHCS to implement this program, including DLCD oversight costs.

**HB 2360** – Creates the Task Force on Use of Surplus Public Lands for Housing. Directs the task force to study the sale and use of surplus public lands to address housing shortages throughout this state. Directs the Director to appoint a member to represent DLCD.

**HB 2735** – Creates the Task Force on Disaster Response & Recovery. Directs the task force to identify location suitable for emergency preparedness, response and recovery needs. The Governor appoints a DLCD representative.

# memo



**To:** Yachats City Planning Commission Members  
**From:** Dave Mattison, City Planner *DRM*  
**Date:** November 12, 2019  
**Re:** October/November Planning Activities

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## **Building Permits Issued**

There have been 4 building permits approved by the City during the month of October in Yachats:

- ✓ A permit has been approved by the City for a single-family dwelling (SFD) and garage at 350 Combs Circle;
- ✓ A permit has been approved by the City for a single-family dwelling (SFD) and garage at 343 East Third Street;
- ✓ A permit has been approved by the City for a temporary Real Estate Office at the Alder Building parking lot;
- ✓ A permit has been approved by the City for a single-family dwelling (SFD) and garage at 260 Windsong Street.

These permits are now being reviewed by the Lincoln County Building Division for final approval and construction.

Research on Yachats Brewery at 348 Hwy 101 North permits. The current building permit (signed by the City in September) for 348 Hwy 101 North is being reviewed by a contracted third party in Eugene for the Lincoln County Building Division. There has been no determined date of completion and approval. This permit is for alterations to and reuse of the building that date back to approximately 2013. The City and County have been working with the property owner to submit permits for the alterations since 2017.

## **Daily Correspondence**

Several calls have come to me regarding questions on uses/setbacks allowed in City zones and the possibility of establishing new vacation rentals in the City.

The property owner for the property at the southeast corner of Driftwood and Marine Drive has installed a driveway onsite extending west to Driftwood. A 12" culvert was placed under the driveway without City permission. After City review, City Public Works is requiring an 18" culvert be placed under the driveway, instead of the 12" culvert that is there now, for storm water flow due to the proximity of surrounding drainage ditches.

Quiet Water PUD has an identified public accessway to the river. There has been a lot of concern from Quiet Water residents about this public trail. It has been reviewed and determined by City staff, and chair of the Quiet Water HOA, that this accessway should only be for the residents of the PUD as is determined in the Quiet Water CC&R's and on the approved plan.

### **Land Use Issues/Applications**

The Drift Inn Parking Variance application and hearing has been rescheduled for December 17<sup>th</sup>.

Two land use applications are in the process of submittal for review and PC hearing over the next couple months of 2019 and into 2020:

- A land use application for the rezoning of the Fire Station; and
- A land use application for a setback variance.

### **Land Use Training/Conferences**

I attended a "Fate of the Coast" meeting on Friday, November 8<sup>th</sup>. This meeting in Lincoln City was to discuss/introduce 'Enhancement Strategizing' for the Oregon Coast, and for the 'reassessment' of the Strategic Plan for NOAA, established under the CZMA – basically a review and reassessment of the Federal Coastal Strategic Plan. Every five years this process occurs. The Plan identifies problems, enhancement opportunities, priority issues, needs and information gaps that relate to federally approved coastal programs. It is necessary to update the plan so that federally approved program funding is available for communities on the coast. These funds can be used for Tsunami planning and other coastal hazard planning and estuary management planning. Additional information will be provided to me to share with the City.

As was mentioned last month, I attended the semi-annual Coastal Planners Forum in Florence and absorbed quite a bit of planning information. I am providing the key list of State Legislative bills in the end session for your review.

I am still working with John Morgan to set up a training session for Planning Commission, Council, Committee Members and Staff sometime this upcoming winter season.

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