

1. Agenda

Documents:

[2020-02-18 Planning Commission Agenda.pdf](#)

2. Meeting Materials

Documents:

[2020-01-21 Planning Minutes.pdf](#)

[2020-01-21 Planning Work Session Minutes.pdf](#)

[2020-02-18 1-CU-PC-20 Jana Kelly_.Pdf](#)

[2020-02-18 2-ZC-PC-19 YRFD.pdf](#)

[Griswold - Citizen Concern1.Pdf](#)

[2020-02-18 Handout Solonika.pdf](#)

[Hanover - Citizen Concern1.Pdf](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

Tuesday, February 18, 2019: 3:00 pm

AGENDA

- I. Call to Order
- II. Election of Chair and Vice-Chair
- III. Announcements and Correspondence
- IV. Minutes
 - A. January 21, 2020 Work Session and Regular Meetings
- V. Citizen's Concerns
- VI. Public Hearings
 - A. Bed and Breakfast Case #1-CU-PC-20 Kelly
 - B. Zoning Change Case #2-ZC-PC19 YRFD
- VII. Business
 - A. Commons Front Reader Board
- VIII. Planner Report
- IX. Other Business
 - A. From the Commission
 - B. From Staff

Commission meets the third Tuesday of each month.

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.

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).



City of Yachats

PLANNING COMMISSION

January 21, 2020

Draft Minutes

I. Call to Order

Chair Helen Anderson called the January 21, 2020 meeting of the Yachats Planning Commission to order at 3:00 pm in Room 1 of the Yachats Commons. Members present: Helen Anderson, Loren Dickinson, Lance Bloch, Christine Orchard, Mary Ellen O'Shaughnessey, and Doug Conner. Absent: Jacqueline Danos. Staff present: City Planner Dave Mattison. Also present: COG Planner Justin Peterson. Audience: 2.

II. Election of Chair and Vice-Chair

Commission Bloch nominated Helen Anderson to be Chair: Aye – 6; No – 0.

Commissioner O'Shaughnessey nominated Lance Bloch to be Vice-Chair: Aye – 6; No – 0.

II. Announcements and Correspondence

Anderson announced she received an email from a person who submitted a letter about lighting saying that they appreciated the work the Commission did to get input on the issue. Anderson also reported she received a letter from Yvonne Hall about the lights at the new Fire Station. She noted the Code Enforcer has been communicating with Hall and has indicated most of the station is not within the City limits.

III. Minutes

A. November 12, 2019 Public Meeting on Lighting

B. November 19, 2019 Work Session and Regular Meeting

C. December 17, 2019 Work Session and Regular Meeting

Commissioner Orchard moved to approve the November 19 and December 17 Work Session and Regular meeting minutes as presented: Aye – 6; No – 0.

O'Shaughnessey moved to approve the November 12, 2019 Public Meeting on Lighting minutes as presented: Aye – 5; No – 0; Abstain – 1 (Orchard was not present).

IV. Citizen's Concerns - none

V. Public Hearings

Anderson reported there will be two public hearings at the February 18, 2020 meeting. Planner Mattison stated the hearings are quasi-judicial, and one hearing was for a bed and breakfast on 610 Lemwick Lane and the other is for rezoning of the old fire department on W 2nd Street. Planner

1 Peterson stated the zoning hearing will be to make a recommendation to the Council rather than an
2 outright approval or denial.

3
4 Anderson asked about having more training on the quasi-judicial process, especially on how
5 Commissioners can get specific information into the record. She noted some have wanted to have
6 the Planner include information in their staff report and some have wanted to recommend a change
7 to the staff report. Mattison indicated that changes to a staff report should be made through a
8 motion at the hearing. Peterson added that if the Commission wanted more information at the
9 hearing, they would make a motion and continue the hearing to a date certain.

10
11 Peterson added that, traditionally, the Planner based their report based on the application. There is
12 also a possibility of sending a letter of change to the report and an amended staff report. Anderson
13 described an example of a setback variance where she wanted to introduce the square footage of the
14 home in the area from data from the county website as the applicant was proposing a home that was
15 one of the larger in the area. She was told she could not submit that information at the hearing and
16 wanted to know if there was a way to get that information into the staff report before it was
17 issued. Peterson suggested asking this question at the upcoming League of Oregon Cities training.
18 Anderson noted there was a section of the introductory statement read at hearings that asked
19 Commissioners if they had all the information they needed to make a decision. Mattison indicated
20 that a Commissioner would still need to make a motion to get the additional information. He added
21 that the motion could be voted down by other Commissioners.

22
23 Anderson indicated in the variance setback case, she had taken a photograph of the site and was told
24 that information could not be introduced. Mattison indicated one could ask the Planner to take
25 photographs of the site. Mattison added that any site visit needed to be disclosed, and the applicant
26 has the right to ask that the Commissioner not participate in the hearing due to bias.

27
28 Commissioner Bloch summarized that he was understanding that requests could be made to the
29 Planner as long as the proper channels of communication were followed. Peterson also stated the
30 Planner could ask the applicant for additional information as part of preparing the staff report.

31
32 Anderson clarified that Commissioners will have the staff report by February 11, 2019.

33
34 O'Shaughnessey raised the issue of the last Bed and Breakfast conditional use hearing and whether
35 they should have approved the conditional use before the building was complete. Orchard noted
36 they did add a condition to stipulate that they cannot operate until the building was complete.
37 Commissioners debated the issue. Anderson asked if the Commission could have continued the
38 hearing to ask the applicant to provide a copy of their final inspection report. Mattison indicated
39 they could. Commissioner Dickinson suggested they could add a condition that stated the applicant
40 needed to provide the Certificate of Occupancy.

41 42 **VI. Business**

43 Mattison summarized that they had 12 applications for new single-family homes last year, and they
44 already have three applications this year. He summarized other activities in his report. He
45 highlighted he had a meeting with Mr. Ruane by the Adobe to discuss getting easements for the
46 water and sewer lines across his property. Bloch clarified that the water line is on the east side of
47 the property at the driveway and does have an easement, but the sewer line on the west side does

1 not have an easement. Mattison indicated the other two properties by Ruane do have easements for
2 the sewer line.

3
4 **VII. Planner's Report**

5 Mattison summarized his report in the meeting packet.

6
7 **VIII. Other Business**

8 **A. From the Commission**

9 Orchard stated she would not be present at the February meeting.

10
11 **B. From Staff - none**

12
13 Anderson adjourned the meeting at 3:28 pm.

14
15
16
17 _____
18 Helen Anderson, Chair

Date

19
20 Minutes prepared by H H Anderson on February 8, 2020.



City of Yachats

YACHATS PLANNING COMMISSION

January 21, 2020

Work Session Draft Minutes

Vice-Chair Lance Bloch called the January 21, 2020 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, Christine Orchard, Mary Ellen O'Shaughnessey, and Loren Dickinson. Absent: Jacqueline Danos. Staff Present: City Planner Dave Mattison. Also present: COG Planner Justin Peterson. Audience: 2.

I. Planning Commission Goals

Commissioner Bloch noted Planner Mattison's handout of sections of code needing adjustments. He recalled goals that have been mentioned by Commissioners and asked if the Commission wanted to reprioritize their goals or to simply move forward with lighting. Commissioner Anderson noted that they had yet to receive the list of goals that were started during the Council goal setting session and suggested they wait to prioritize until they see what the Council goals are.

Bloch and Anderson agreed that they should focus on lighting. Commissioner O'Shaughnessey stated they should proceed with lighting as the public input information is fresh in their minds.

Commissioner Conner raised an issue with language in Title 9 about issues not covered in Title 9 being directed to Council (9.88.140 Unanticipated Provisions). He wanted to prioritize fences. Planner Peterson indicated he interpreted the language to mean anything not covered in Title 9 would be addressed with Council. Conner clarified there were no requirements or standards around fencing in Title 9. Conner noted the state allows for seven-foot fences. Anderson noted the state regulations apply to the City, unless the City wished to be stricter than the state regulation.

Commissioner Orchard wanted parking to take priority over fences, but agreed that lighting should be first. Commissioner Dickinson also wanted parking to be above fences.

II. Discussion with City Manager

Anderson stated the Commission's review of Admin Policy 6 led to many questions about how they interact with the Planner. MB indicated simple requests for copies. She stated research requests or more involved request should be made by the entire Commission. Anderson asked if

1 the Commission could directly ask the Planner of if the matter had to come to the Manager. MB
2 indicated the Planner could ask her after the meeting. She stated she was fine with the
3 Commissioners reaching a consensus for direction to the Planner during the Planning meetings.
4 Anderson asked about questions for the planner around interpretation issues and other matters of
5 clarity. MB stated she preferred to have questions addressed with the body as a whole. Mattison
6 noted Commissioners direct questions to the Chair and the Chair talks to the Planner.
7 Commissioners indicated they were fine with discussing questions during meetings or asking the
8 Chair.

10 Commissioners also agreed they would be responsible for getting their own printed hard copies
11 of digital documents. Manager Beaucaire indicated she was less concerned about the purpose of
12 a document rather than the size. Anderson indicated she has forwarded digital documents that
13 one Commissioners submitted to all Commissioners. Manager Beaucaire asked that those
14 documents be forwarded to the Planner as well. Conner noted that documents on the website
15 only go back to 2016. Anderson stated they would be getting more of the old document library
16 online. Conner also noted the Comprehensive Involvement Plan onto the website. Anderson
17 indicated she had not been able to find such a document.

19 Bloch asked if it would be appropriate to ask the Code Enforcement Officer for information or if
20 it would be better to have that person come to a meeting. Manager Beaucaire indicated she
21 favored having the Officer at a Planning meeting so everyone could be party to the discussion.

23 Anderson asked what the long-term plan for Code Enforcement for the City was. Manager
24 Beaucaire stated she spoke at the Council meeting and stated that Code Enforcement was a
25 seasonal need. Anderson stated that the Commission did not agree with that assessment.
26 O'Shaughnessey asked what criteria was used to make the determination of seasonal needs.
27 Manager Beaucaire indicated she looked at the number of complaints submitted.
28 O'Shaughnessey stated that was but one small slice of code enforcement and wanted to see
29 broader issues considered. Bloch agreed with O'Shaughnessey that more proactive elements of
30 code enforcement were needed. He indicated there was more than 40 hours of work per week for
31 a code enforcer. Anderson asked specifically about clear sight issues. Manager Beaucaire
32 indicated that would be a discussion between Council and the Commission. She argued that
33 most code enforcement was reactive and caution was needed for proactive code enforcement due
34 to subjective enforcement. Orchard noted proactive could be abused. Dickenson noted with
35 issues coming before the Commission, he can see even more time being needed for reactive
36 enforcement. O'Shaughnessey stated abuse issues can be managed through supervision. She
37 stressed the importance of education from a code enforcer.

39 Manager Beaucaire asserted there needed to be a balance between rules and flexibility. She
40 suggested more articles in the newsletter or starting a code enforcement task force. Orchard
41 clarified that the code enforcer plan was the City Manager's decision. Manager Beaucaire added
42 that the type of program for code enforcement was a matter of policy from Council and the
43 Commission.

45 Manager Beaucaire stated she was looking into TCB to do code enforcement services. She noted
46 they were currently doing code enforcement for Toledo and appeared to be very proactive. She

1 has asked for a proposal from TCB for two days per week onsite service and the afterhours
2 hotline. She was also looking into a mixed services position to provide support for code
3 enforcement.

4
5 Anderson asked who provided HR for the City. Manager Beaucaire stated that Ryan from COG
6 was helping her with HR.

7
8 Conner noted Goal 1 of the State is to have a Citizens Committee, which Yachats has not had
9 since 1999. He suggested this type of group could fit with Manager Beaucaire's idea for a code
10 enforcement task force. Manager Beaucaire added that would fit well with a Council goal for
11 citizen engagement. Anderson suggested that there was possible conflict of objectives if the
12 Planning Commission was the citizen committee and wondered if that was why it had been
13 dropped.

14
15 Manager Beaucaire stated TCB was willing to talk to the Planning Commission about how they
16 would operate.

17
18 Anderson stated one of the biggest issues raised by citizens around lighting concerned trespass
19 lighting and light shielding. She provided several ways regulations around that could be
20 achieved. Manager Beaucaire stated the Commission should focus on the overall goal of the
21 lighting ordinance. Anderson stated health and safety issues were the primary reason. Orchard
22 also stated there was a nuisance issue around lighting. O'Shaughnessey added the desire for
23 movement toward dark sky compliance. Dickinson suggested the Commission could provide
24 educational information in the newsletter. Mattison stated new developments in some cities were
25 required to provide a lighting illumination plan.

26
27 Bloch asked Manager Beaucaire how the Commission could draft code that fit with the
28 expectations from a code enforcer. Manager Beaucaire indicated she was not certain of the
29 overall goal for lighting. She reiterated that whatever the Commission recommended should
30 pertain to the overall why of what they were proposing. Bloch assured Manager Beaucaire that
31 the Commission has kept education in the forefront of their discussions.

32
33 Bloch asked if was possible to have a code enforcer use a light meter to measure trespass
34 lighting. Manager Beaucaire noted that this instance would require a person to go out after hours
35 to make that assessment. Conner and Anderson debated whether the current code adequately
36 defined and controlled light direction. Conner suggested developers were placing lights higher
37 in order to have fewer lights. Anderson indicated that neighbor to neighbor complaints about
38 lighting were pervasive. Mattison indicated he had complaints about lighting, and it took a lot of
39 time to find resolutions.

40
41 Orchard clarified that the Commission goals were for health, safety, nuisance, and dark sky.
42 Manager Beaucaire indicated those were broad goals.

43
44 Anderson stated she was still uncertain about what type of code to draft if there was not going to
45 be enforcement at night.

Manager Beaucaire indicated Matt Phillips would be leaving on February 14, 2020. Commissioners indicated they had heard very favorable feedback about Phillips. Manager Beaucaire indicated TCB knows they might need to talk to the Planning Commission, and given Phillips' departure, she might have them provide services on a temporary basis.

Conner asked about unenumerated nuisances as presented in the code and the City Attorney indicating some part of the code was not enforceable. Conner indicated his concern was how an issue got to Council.

Anderson asked how the Commission were to interact with Justin Peterson, COG Planner. Manager Beaucaire stated the Council of Governments (COG) will be hiring a coastal planner, which has been advertised, who will provide two days of planning for Yachats, two days for Waldport, and one day for Toledo. She indicated Peterson was going to all three communities to become apprised of the projects and issues for each city, and he could assist with transition to the new coastal planner. She indicated she has asked Mattison to stay on until the transition was complete. Peterson indicated the position does not have a close date. Manager Beaucaire indicated the City would also have access to other resources provided by COG.

Bloch expressed great appreciation to Manager Beaucaire for her helping clarify the issues.

Bloch suggested that Commissioners review the November Work Session minutes for the summary of the public input on lighting.

Bloch adjourned the work session at 3:02 pm.

Lance Bloch, Vice-Chair

Date _____

Minutes prepared by H H Anderson on January 25, 2020.

CASE FILE: #1-CU-PC-20
DATE FILED: Dec. 6, 2019
DATE APPLICATION DEEMED COMPLETE: Jan. 2, 2020
120-DAY COMPLETION DATE: May 1, 2020
HEARING DATE: Feb. 18, 2020
PREVIOUS ACTION: None

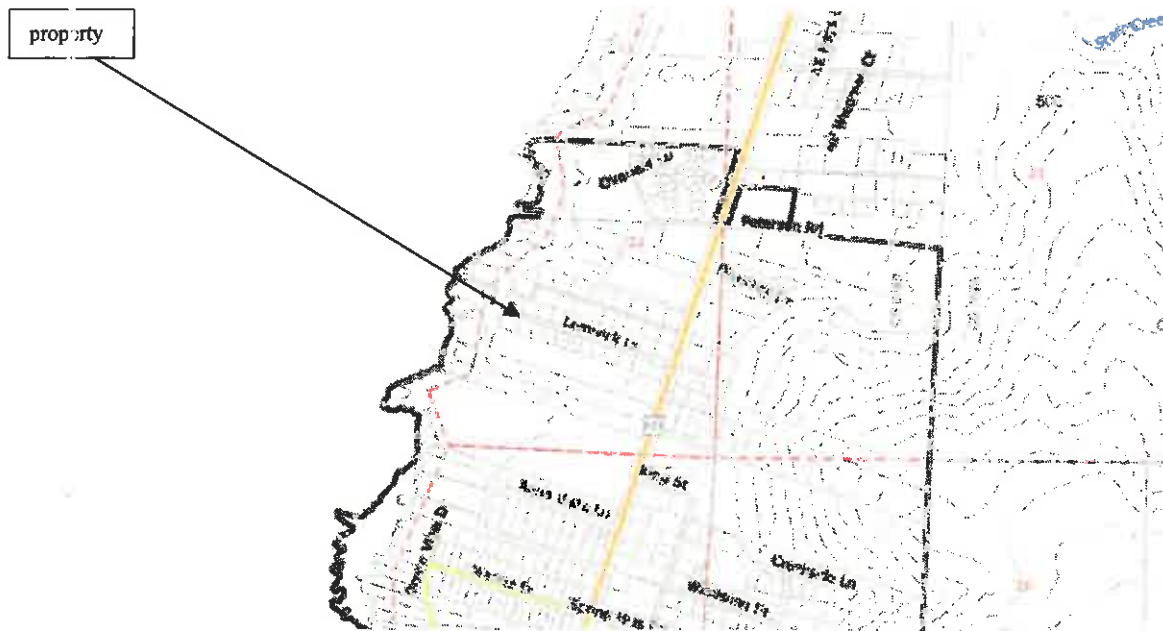
STAFF REPORT

Conditional Use Application

APPLICANT: Jana Kelly, 50 E Windy Way, Yachats, OR 97498

A. REPORT OF FACTS

1. Applicant's Request: The applicant is requesting a conditional use permit to operate a 5-bedroom Bed & Breakfast within the 6-bedroom single-family dwelling onsite.
2. Property Location: The subject property is located at 610 Lemwick Lane; and described on the Lincoln County Assessor's Map 14-12-22-DD, Tax Lot 900.



3. Zoning: Residential Zone R-2
4. Plan Designation: Residential
5. Lot Size and Configuration: The subject property totals approximately 7,405 square feet or 0.17 acres, located at the south side, and west end of Lemwick Lane.
6. Existing Structures: There is one 6-bedroom single family dwelling with an attached two-car garage on the subject property.

7. Topography and Vegetation: The subject property is flat with a gravel drive on the north and west sides, beach grasses and shrubs on the remaining perimeter of the 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. Smelt Sands State Park and a State Park driveway are located on south side of the subject property.
9. Access: Access to the subject property is from Lemwick Lane with a graveled driveway access that consumes approximately 80% of the front yard. Lemwick Lane is private drive. The applicant has also discussed possible secondary access from the Smelt Sands State Park to the south of the subject property.
10. Utilities: The following utilities are provided for on Lemwick Lane and are utilized by the existing single-family dwelling on the subject property.
 - Water & Sewer: City of Yachats
 - Electricity: Central Lincoln PUD
11. Development Constraints: None.



12. History of Requests on the Subject Property: In 2004, a 5-bedroom vacation rental was approved for the subject property.



B. EVALUATION OF REQUEST

1. **Applicant's Proposal:** The applicant submitted the required application form and fee, and site plans, and reviewed the bed and breakfast standards identified in the Yachats Zoning and Land Use Ordinance (Yachats Municipal Code, Title 9) with the City Planner.
2. **Relevant Yachats Municipal Code (YMC) Criteria:**

YMC Chapter 9.04.030 Definitions

"Access" means the way or means by which pedestrians and vehicles enter and leave property.

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

"Parking space" means space within a private or public parking area, building or structure, for the parking of one automobile.

"Off-street parking space" means a parking space located outside of public right-of-way with minimum dimensions of eighteen (18) feet long and nine (9) feet wide. Off-street parking spaces shall have surfaces such as gravel, pavement, tile, brick or concrete suitable for parking a vehicle. Required off-street parking spaces shall not be located in a required yard that abuts a street.

YMC Chapter 9.16 R-2 Residential Zone

9.16.030 Conditional Uses

In an R-2 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.
- J. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.
- L. Off-street parking space requirements:
 - 1. Residential dwellings: Residential dwellings shall provide the following off-street parking spaces:
One-family dwelling, two spaces.
 - 2. Bed and Breakfast Facility, see Section 9.72.050 (E10) on page 5.

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/Comments Received:** Comments were received on January 31, 2020, from Ron Sanders, Griswald, Lot 3 (14-12-22-DD 808), 357 Caldene, CA. 95678-5972. This letter states the property owner is totally against this proposal. It will not benefit the community and devalue our property. I ask that you deny the project.

Comments were received on February 4, 2020, from Douglas and Sherry Conner, 490 Lemwick Lane. They state that they have a couple of issues they would like raised regarding the conditional use permit application: #1-CU-PC-20.

'This dwelling was designed, built, and has operated as a six-bedroom vacation rental for the past nineteen years. It is unclear from the provided information if the vacation rental license has been surrendered or whether the owner seeks dual use. This is relevant because it changes the required off-street parking space calculation. A six-bedroom vacation rental requires eight (8) spaces, while a five-bedroom bed and breakfast requires seven (7) spaces. Holding both licenses would require fifteen (15) spaces.

YMC 9.48.010.b: In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.

As a vacation rental, regulated under Title 4, this business has enjoyed a waiver from the off-street parking standards established under YMC 9.04.030, by allowing the six required guest parking spaces to be located in the required front-yard setback. Since a bed and breakfast is regulated under Title 9 rather than Title 4, the proposed bed and breakfast does not enjoy the same off-street parking waiver. Therefore, the parking as shown in the sketch, would require a variance from the off-street parking requirements of YMC 9.04.030.

YMC 9.04.30 Parking Space, Off-Street. "Off-street parking space" means a parking space located outside of public right-of-way with minimum dimensions of eighteen (18) feet long and nine (9) feet wide. Off-street parking spaces shall have surfaces such as gravel, pavement, tile, brick or concrete suitable for parking a vehicle. Required off-street parking spaces shall not be located in a required yard that abuts a street.

This dwelling has a single-car garage. We don't believe the drawing is representative, or that the garage can accommodate two cars, and we have provided a photograph so you can see for yourselves.

This is a big dwelling on a small lot, and the design anticipated its use as a vacation rental. Some have called it a mini-hotel – and it is. Because of the size of the dwelling, compared with the size

of the lot, the remaining open yard space is very limited. It is inconceivable, in our opinion, that the required off-street parking defined as in 9.04.030 can be accomplished without resorting to a land use variance, nor do we feel that reasonable parking accommodations, in accordance with YMC 9.04.030 can be provided while simultaneously protecting the acknowledged purpose of a R-2 neighborhood.

C. STAFF ANALYSIS

1. The Request and the R-2 Residential Zone

The applicant is requesting a conditional use permit to operate a 5-bedroom Bed & Breakfast within a single-family dwelling in the R-2 Residential Zone. Bed & breakfast facilities are allowed as a conditional use in the R-2 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 and staff analysis.

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

APPLICANT RESPONSE. 610 Lemwick Lane is a 6-bedroom single-family dwelling home. It is currently used as a vacation rental. It will be the location of the proposed 5-bedroom Bed and Breakfast, converted from a vacation rental to a bed and breakfast.

STAFF ANALYSIS: The bed and breakfast will convert the vacation rentals to a bed and breakfast which is all encompassed in the single-family dwelling onsite. This standard has been met.

b. A maximum of five bedrooms may be rented.

APPLICANT RESPONSE. The proposed B&B (bed and breakfast) will have 5 bedrooms available for rent.

STAFF ANALYSIS: There are six bedrooms in the house, five of which will be available for rent in the proposed bed and breakfast. This is the highest number of rooms available for rent in the bed and breakfast. This standard has been met.

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.

STAFF ANALYSIS: Jana Kelly, the owner (contingent upon approval of this CUP) will reside in the facility onsite. This standard has been met.

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 per year.

STAFF ANALYSIS: A relief manager will be employed for one-month per year. This standard has been met.

- 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 maximum consecutive days and no more than 15 days in any 30-day period.

STAFF ANALYSIS: The owner will meet the rental limits. This standard has been met.

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

APPLICANT RESPONSE. No alterations of the existing exterior of the house will be made.

STAFF ANALYSIS: No changes will be made to the building's exterior. This standard has been met.

- 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. Breakfast shall be served on the premises.

STAFF ANALYSIS: A morning meal is provided on premises. This standard has been met.

- 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.

STAFF ANALYSIS: Any interior alterations will require a permit. The current structure meets the code requirements. This standard has been met.

- 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. No exterior sign will be displayed.

STAFF ANALYSIS: Any sign on the subject property for the bed and breakfast will require approval by the Planning Commission.

- 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 five-bedroom B&B will have one designated parking space in addition to the two (2) parking spaces provided for the home. The residence has 8 existing off-street parking spaces in compliance with City code.

STAFF ANALYSIS: The proposed site plan identifies 9 off-street parking spaces onsite. This standard has been met.

- 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.

STAFF ANALYSIS: This permit will be reviewed at the end of 2020.

- 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 that they have reached the maximum number of rooms to be rented.

3. Definitions. YMC Chapter 9.04.030, describes in the definition for Off-Street Parking, that 'Required off-street parking spaces shall not be located in a required yard that abuts a street.'

STAFF ANALYSIS: There are a few issues in requiring off-street parking not be located in a required yard that abuts a street. First, this statement is in the definition, but it's not in the Parking standards, therefore, it isn't a standard and the city shouldn't use it as a requirement. Second, it has not been considered before as a requirement for development. Third, it has not been enforced.

D. CONCLUSIONS

Staff has identified that the applicant has met the required standards for a bed and breakfast.

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 5 rooms 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. Five on-site parking spaces shall be maintained for the Bed and Breakfast. All parking spaces shall be improved to City standards prior to the use of a bed and breakfast facility.
9. Any sign proposed for the bed and breakfast shall be required to be taken before the City Planning Commission for Planning Commission approval.
10. A secondary access from Smelt Sands State Park will require an access agreement from the State Parks Department for access from the subject property, across State lands to the public ROW.
11. With the transfer of ownership, no rooms will continue to be used for Vacation Rental purposes (as define in Title 4).
12. A review of the bed and breakfast will be scheduled for December 2020.

Submitted by,

David Mattison
City Planner

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

Tax Lot Maps for the Subject Property for Case #1-CU-PC-20 for Bed & Breakfast at 610 Lemwick Lane



BED AND BREAKFAST APPLICATION

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

#1-CU-PL-20

Date Received: 12/6/19

\$250.00 fee
(Actual expenses in excess of the fee will be billed.)

PAID

Applicant: JANA Kelly

Site Address: 610 LEMWICK City: Yachats, Oregon

Mailing Address: 50E WINDY WAY State: OR Zip: 97498

Phone: (541) 547-7401 City: Yachats State: OR Zip: 97498

Description: R32417 Tax: 14-12-22-DD-900-00

Dimensions: 36X85 Area: 302 Property Class: 101

Current Zone: R-2

Property is now a single-family dwelling ☒ yes ☐ no

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

Structure of the building will be altered ☐ yes ☒ no

Plans - attach description of proposed alterations. Please note a building permit may be necessary for any changes.)

Signage will be provided ☒ yes ☐ no

Signage limited to a stay of no more than ☒ yes ☐ no

Signage five days and an aggregate of no more than 15 days in any 30-day period

Signage ☐ yes ☒ no

Attach a plan of the sign showing proposed sign giving dimensions and design, and location on the property. Please note, if plan for sign is submitted at later date a fee will be required.)

Number of parking spaces to be rented: 5

Cur: 8

Yachats Planning Commission

12/6/2019

Attached: Application for a conditional use permit for a Bed and Breakfast at 610 Lemwick, Yachats a single family dwelling.

- 1) The property is in compliance with the city existing codes and ordinances. The property is now operating as a vacation rental. I request to covert its use to a B&B.
- 2) There are only 5 bedrooms for rental.
- 3) This will be my residence as owner and operator.
- 4) The rental agreement shall be in compliance with the 7-day maximum limitation.
- 5) No alterations of the existing exterior will be made.
- 6) breakfast shall be served on the premises.
- 7) This residence meets all county and state health, safety, code and liability requirements.
- 8) No exterior sign will be displayed.
- 9) The residence has 8 existing off street parking spaces, which is in compliance with one parking space required for each bedroom rented.

I request a conditional use permit be issued for this property. I will purchase a business license and register with the city for the collection of the transient taxes required. I have addressed all criteria for this completed application.

Please notify me when this application will be on the agenda. The issuance of this permit is contingent upon my investment and purchase of this facility. Thank you for your consideration.

Sincerely,

Jana Kelly

50 E Windy Way

Yachats, Oregon 97498

913-915-7401

janalynnkelly@gmail.com



RECEIVED

JAN 31 2020

CITY OF YACHTS

27 JAN '20

Yachts Planning Comm.

RE #1-CU-PC-20

I am totally against
this proposal. It will not
benefit the community and
devalue our property.

I ask that you deny
the project.

Sincerely

Ron Sanders

Gruswald Lot 3

14-17-22-DD-00808

From: Douglas Conner
Sent: Tuesday, February 4, 2020 1:16 PM
To: Yachats City Planner
Subject: Public Comment on conditional use application for 610 Lemwick Lane

Dear City Planner,

2/4/2020

We have a couple of issues we would like raised regarding the conditional use permit application: #1-CU-PC-20. This dwelling was designed, built, and has operated as a six bedroom vacation rental for the past nineteen years. It is unclear from the provided information if the vacation rental license has been surrendered or whether the owner seeks dual use. This is relevant because it changes the required off-street parking space calculation. A six bedroom vacation rental requires eight (8) spaces, while a five bedroom bed and breakfast requires seven (7) spaces. Holding both licenses would require fifteen (15) spaces.

YMC 9.48.010.b: In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.

As a vacation rental, regulated under Title 4, this business has enjoyed a waiver from the off-street parking standards established under YMC 9.04.030, by allowing the six required guest parking spaces to be located in the required front-yard setback. Since a bed and breakfast is regulated under Title 9 rather than Title 4, the proposed bed and breakfast does not enjoy the same off-street parking waiver. Therefore, the parking as shown in the sketch, would require a variance from the off-street parking requirements of YMC 9.04.030.

*YMC 9.04.30 Parking Space, Off-Street. "Off-street parking space" means a parking space located outside of public right-of-way with minimum dimensions of eighteen (18) feet long and nine (9) feet wide. Off-street parking spaces shall have surfaces such as gravel, pavement, tile, brick or concrete suitable for parking a vehicle. **Required off-street parking spaces shall not be located in a required yard that abuts a street.***

This dwelling has a single-car garage. We don't believe the drawing is representative, or that the garage can accommodate two cars, and we have provided a photograph so you can see for yourselves.

This is a big dwelling on a small lot, and the design anticipated its use as a vacation rental. Some have called it a mini-hotel – and it is. Because of the size of the dwelling, compared with the size of the lot, the remaining open yard space is very limited. It is inconceivable, in our opinion, that the required off-street parking defined as in 9.04.030 can be accomplished without resorting to a land use variance, nor do we feel that reasonable parking accommodations, in accordance with YMC 9.04.030 can be provided while simultaneously protecting the acknowledged purpose of a R-2 neighborhood.

Doug & Sherry Conner

490 Lemwick Lane.





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)

January 21, 2020

NOTICE OF PUBLIC HEARING

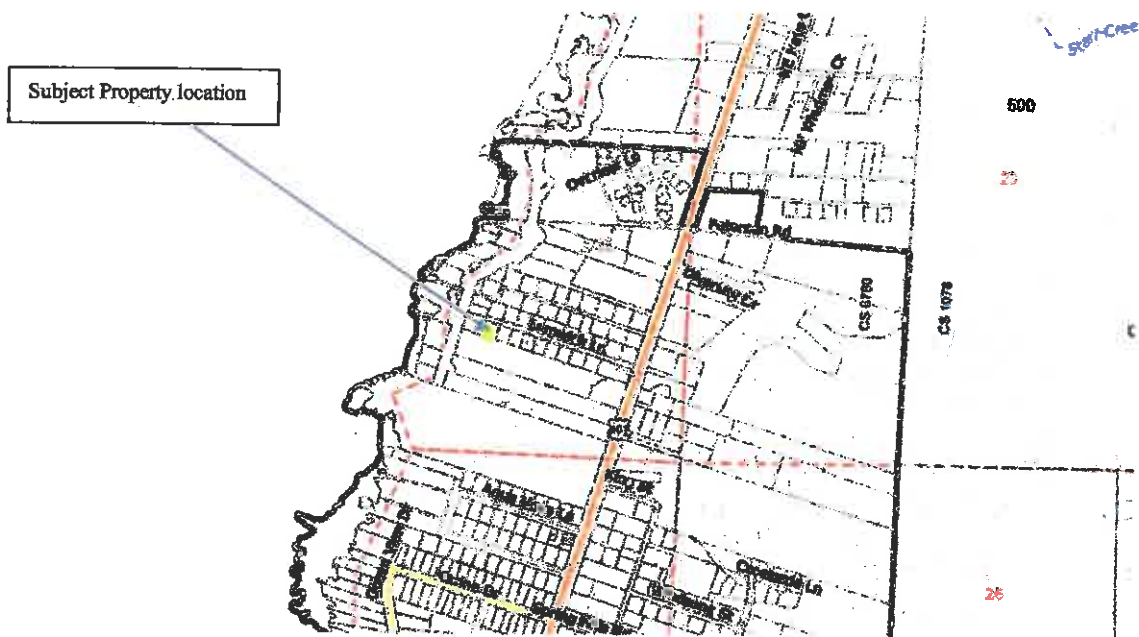
#1-CU-PC-20

Yachats Planning Commission

Applicant: Jana Kelly, 50E Windy Way, Yachats, OR 97498

Public Hearing Date and Location: A public hearing will be held before the Yachats Planning Commission, Tuesday, February 18, 2020, 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 610 Lemwick Lane; and described on the Lincoln County Assessor's Map 14-12-22-DD, Tax Lot 900.



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-2 Zone District requires a conditional use permit application.

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

- Chapter 9.04 - Definitions
- Chapter 9.16 - R-2 Residential Zone
- Chapter 9.48 - Off-Street Parking and Loading
- Chapter 9.72 - Conditional Uses

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

E-MAIL cityhall@mail.yachatsoregon.org WEB SITES www.yachatsoregon.org 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.

LOT 1001

LOT 1100

LOT 900

ADDRESS:
610 Lemwick Lane
Yachats, OR

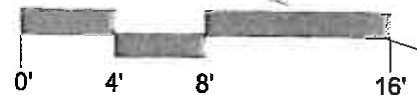
5 PARKING
SPACES

2 PARKING
SPACES

2 PARKING
SPACES

DRIVEWAY

DRIVEWAY



City of Yachats
441 Hwy 101 N
PO Box 345
Yachats Oregon 97498
541-547-3565
www.yachatsoregon.org

Receipt #: 00004647
Date: 12/06/2019

Account#: 000000
Account Name: Jana Kelly, 610 Lemwick Ln
Service Address:

Charges:

Permits & Filing Fees	250.00
CHK 3955	250.00

Account Balance:

If you would like to pay your utility bill using Quick Pay with
Credit Card or Checking Account, please go to:
<https://yachatsor.merchanttransact.com/>.
You will need your account Number and House Number.

Thank you for your payment!

JANA L KELLY
JOHN R. KELLY
913-721-1651
50 E WINDY WAY
YACHATS, OR 97498

3955

Date 12-6-79

ADMINISTRATIVE SERVICES DIVISION

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溪

City of Yachats
Two hundred fifty

\$2.50
DOLLARS

130
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MEMO *appeal*
Cordon Use Remi

3755

1:101000187: 14557191556313855
LOOK FOR FRAUD-DETERMINING

LOOK FOR FRAUD-DETECTING FEATURES INCLUDING THE SECURITY SQUARE AND HEAT-REACTIVE INK. DETAILS ON BACK.

CASE FILE: #2-ZC-PC-19
DATE FILED: Sept. 24, 2019
DATE APPLICATION DEEMED COMPLETE: Nov. 19, 2019
120-DAY COMPLETION DATE: Mar. 18, 2020
HEARING DATES: Feb. 18, 2020
Mar. 4, 2020
PREVIOUS ACTION: None

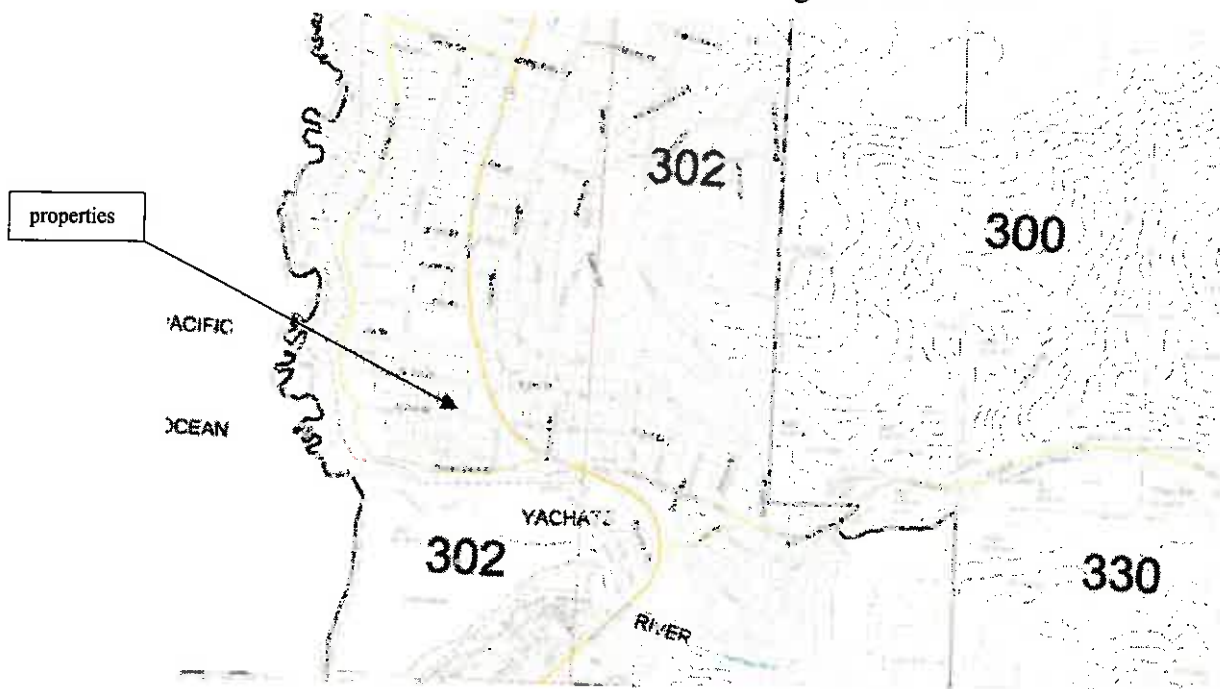
STAFF REPORT

Amendment to the City Zoning Map/Rezone Application

APPLICANT: Yachats Rural Fire Protection District (YRFPD), PO Box 1, Yachats, OR 97498

A. REPORT OF FACTS

1. **Applicant's Request:** The applicant is requesting a rezone of the four tax lots that contain the Yachats Rural Fire Protection District fire station complex, located on the subject property, from P-F (Public Facilities) and R-3 (Residential) to C-1 (Retail Commercial). Tax Lots 8400 and 8402 (217 West Second and 219 West Second) are requested to be rezoned from P-F to C-1. Tax Lots 8700 and 8701 (209 West Second and 215 West Second) are requested to be rezoned from R-3 to C-1. A rezone request requires an amendment to the zoning map application.
2. **Property Location:** The subject property is located at 209, 215, 217, 219 West Second Street; and described on the Lincoln County Assessor's Map 14-12-27-DA, Tax Lots 8400, 8402, 8700, and 8701. It is the site of the former regional fire station.



3. **Zoning:** Public Facility P-F, and Residential Zone R-3.
4. **Plan Designation:** Public Facility and Residential.
5. **Lot Size and Configuration:** The subject property totals approximately 0.24 acres, located on the north side of Second Street.
6. **Existing Structures:** The former fire station and one single family dwelling are located on the subject property.
7. **Topography and Vegetation:** The subject property is flat with paved driveway on the south side onto West Second Street, and a gravel drive to the residence in the rear with shrubs in the back yard of the property between the house and station.
8. **Surrounding Land Use:** Surrounding land uses primarily consist of single-family dwellings to the north and south sides of the subject property, and three (3) cottages to the west side of the subject property. The three (3) cottages are accessed from the driveway that leads to the single-family home on the north side of the subject property. Commercial businesses, such as C&K Groceries are located to the east of the subject property.
9. **Utilities:** The following utilities are located on West Second Street and are utilized by the existing station and single-family dwelling on the subject property.
 - Water & Sewer: City of Yachats
 - Electricity: Central Lincoln PUD
10. **Development Constraints:** The driveway (on the west side) that leads to the single-family home on the subject property may be restricted from development if it is used by the cottages to the west of the subject property.
11. **History of Requests on the Subject Property:** None.
12. **Comments Received:** Comments were received on January 29th, from Michelle and John Costa (Tax Lot 8301); and on February 7th, from Theresa M. Hanover (Tax Lot 8401); both regarding the rezone and property access. They are explained in the next section 'B' (Evaluation of the Request).

B. EVALUATION OF REQUEST

1. **Applicant's Proposal:** The applicant submitted the required application form and fee, and reviewed the Amendments to a Zoning Map standards identified in the Yachats Zoning and Land Use Ordinance (Yachats Municipal Code, Title 9) with the City Planner.
2. **Relevant Yachats Municipal Code (YMC) Criteria:**

Below are listed the relevant chapters of the City Municipal Codes. Included are each of the relevant zone districts (R-3, C-1 and P-F), so the uses allowed in each district can be compared in considering the rezoning of the subject properties.

 - a. YMC Chapter 9.04 – Definitions
“Amendment” means a change in wording, content or substance of this title, or a change in the zone boundaries or area district boundaries upon the zoning map.
 - b. YMC Chapter 9.20 – R-3 Residential Zone

1. Section 9.20.020 Permitted uses (This list does not include all uses identified in this section).
 - A. One single-family dwelling per tax lot;
 - D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
 - E. Planned unit development.
 - F. Townhouse planned unit development (P.U.D.). See Chapter 9.62;
 - G. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood;
 - H. Two-family dwelling;
 - I. Multifamily dwelling;
- c. YMC Chapter 9.28 – C-1 Retail Commercial Zone
 1. Section 9.28.010 Permitted uses (*This list does not include all uses identified in this section*).
 - A. A governmental structure or use of land and public utility facility;
 - B. Any use which would be permitted outright in any residential zone;
 - C. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments;
 - D. Personal or business service establishment such as barber or beauty shop, tailor shop or similar establishment;
 - E. Financial institution;
 - F. Business or professional office;
 - G. Private museum or art gallery;
 - H. Family day care provider;
 - I. Residential home;
 - J. Residential facility;
 - L. Laundry or dry cleaning establishment;
 - M. Restaurant, bar or tavern;
 - P. Mobile vending unit
- d. YMC Chapter 9.40 – P-F Public Facilities Zone
 1. Section 9.40.020 Permitted uses.
 - A. Existing city facilities;
 - B. Community center;
 - C. Public school;
 - D. Fire department;
 - E. Public park, playground, swimming pool, or similar recreation intended for use by residents;
 - F. Public day nursery, nursery school, kindergarten, or similar facility;
 - G. A governmental structure or use of land and public utility facility;
 - H. Public parking area.
- e. YMC Chapter 9.84.030 – Amendment to a Zoning Map. The following standards and procedures shall be followed in applying for and acting on an amendment to modify or change a zoning map:

Standards

 1. The change is in accord with the land use plan for the area; and

2. There has either been a substantial change in the character of the area since zoning was adopted, which warrants changing the zone; or, the zoning adopted for the area was in error;
3. If the proposed change is not in accord with the land use plan for the area, the Planning Commission and the City Council shall seek to determine that alteration of the plan can be justified on the basis that there has been a substantial change in the character of the area since the plan was adopted and which warrants a change in the plan, or that the plan adopted for the area was in error.

Procedure

1. The applicant shall submit the complete application and filing fee at the City office. Pursuant to Chapter 9.88, the request is placed on the agenda for Planning Commission consideration, and is duly noticed by the City Recorder.
2. The Planning Commission shall conduct a public hearing on the proposed amendment and shall, within forty (40) days after the hearing, provide a report and recommendation(s) to the City Council regarding consistency of the proposed amendment with the standards in subsection A of this section.
3. The City Council shall conduct a public hearing on the proposed amendment to the zoning map subsequent to receiving the report and recommendation(s) of the Planning Commission. Notice of the public hearing shall be given in accordance with Section 9.88.060.
4. At the conclusion of the public hearing, the City Council may approve, deny or remand back to the Planning Commission for reconsideration the proposed amendment.

3. Relevant State Requirements:

a. State Revised Statutes (ORS):

1. ORS 197.250 Compliance with Statewide Planning goals; Except as otherwise provided in ORS 197.245 (Commission amendment of initial goals), all comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.
2. ORS 197.610 Submission of Proposed Changes; (1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing. (2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline. (3) Submission of the

proposed change must include all of the following materials: (a)The text of the proposed change to the comprehensive plan or land use regulation implementing the plan; (b)If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered; (c)A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change; (d)The date set for the first evidentiary hearing; (e)The form of notice or a draft of the notice to be provided under ORS 197.763 (Conduct of local quasi-judicial land use hearings), if applicable; and (f)Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained. (4)The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to: (a)Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and (b)Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method. (5)When a local government determines that the land use statutes, statewide land use planning goals and administrative rules of the commission that implement either the statutes or the goals do not apply to a proposed change to the acknowledged comprehensive plan and the land use regulations, submission of the proposed change under this section is not required. (6)If, after submitting the materials described in subsection (3) of this section, the proposed change is altered to such an extent that the materials submitted no longer reasonably describe the proposed change, the local government must notify the Department of Land Conservation and Development of the alterations to the proposed change and provide a summary of the alterations along with any alterations to the proposed text or map to the director at least 10 days before the final evidentiary hearing on the proposal. The director shall cause notice of the alterations to be given in the manner described in subsection (4) of this section. Circumstances requiring resubmission of a proposed change may include, but are not limited to, a change in the principal uses allowed under the proposed change or a significant change in the location at which the principal uses would be allowed, limited or prohibited. (7)When the director determines that a proposed change to an acknowledged comprehensive plan or a land use regulation may not be in compliance with land use statutes or the statewide land use planning goals, including administrative rules implementing either the statutes or the goals, the department shall notify the local government of the concerns at least 15 days before the final evidentiary hearing, unless there is only one hearing or the proposed change has been modified to the extent that resubmission is required under subsection (6) of this section. (8) Notwithstanding subsection (7) of this section, the department may provide advisory recommendations to the local government concerning the proposed change to the acknowledged comprehensive plan or land use regulation.

3. ORS 227.186, Notice to Property Owners; (1) As used in this section, "owner" means the owner of the title to real property or the contract purchaser of real property, of record as shown on the last available complete tax assessment roll. (2) All

legislative acts relating to comprehensive plans, land use planning or zoning adopted by a city shall be by ordinance. (3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective. (4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone. (5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. (6) At least 30 days prior to the adoption or amendment of a comprehensive plan or land use regulation by a city pursuant to a requirement of periodic review of the comprehensive plan under ORS 197.628 (Periodic review), 197.633 (Two phases of periodic review) and 197.636 (Procedures and actions for failure to meet periodic review deadlines), the city shall cause a written individual notice of the land use change to be mailed to the owner of each lot or parcel that will be rezoned as a result of the adoption or enactment. The notice shall describe in detail how the ordinance or plan amendment may affect the use of the property.

b. **State Required Administrative Rules (OAR):**

1. OAR 660-003-0010, Acknowledgement Procedures and Notice; (1) When a local government has adopted a comprehensive plan and land use regulations, as provided by ORS 197.175 and 197.250, prepared corrections pursuant to a commissions continuance order, or prepares a new acknowledgment request subsequent to a commissions denial order, it may request the commission to grant an acknowledgment of compliance. An acknowledgment request shall be sent to the director of the department.
2. OAR 660-012-0060, Plan and Land use Regulation Amendments; If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.
3. OAR 660-025-0010, Periodic Review; The purpose of this division is to carry out the state policy outlined in ORS 197.010 and 197.628. This division is intended to implement provisions of ORS 197.626 through 197.651. The purpose for periodic review is to ensure that comprehensive plans and land use regulations remain in compliance with the statewide planning goals adopted pursuant to ORS 197.230, the commissions rules and applicable land use statutes. Periodic review also is intended to ensure that local government plans and regulations make adequate provision for economic development, needed housing, transportation, public facilities and services, and urbanization, and that local plans are coordinated as described in ORS 197.015(5).

Periodic Review is a cooperative planning process that includes the state and its agencies, local governments, and other interested persons.

4. Associated Administrative Rules for each State Goal. The associated Administrative Rules for each applicable State Goal are as follows:

- Goal 1 Citizen Involvement
- Goal 2 Land Use Planning
- Goal 3 Agricultural Lands
- Goal 4 Forest Lands
- Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces
- Goal 6 Air, Water and Land Resources Quality
- Goal 7 Areas Subject to Natural Hazards
- Goal 8 Recreational Needs
- Goal 9 Economic Development
- Goal 10 Housing
- Goal 11 Public Facilities and Services
- Goal 12 Transportation
- Goal 13 Energy Conservation
- Goal 14 Urbanization
- Goal 15 Willamette River Greenway
- Goal 16 Estuarine Resources
- Goal 17 Coastal Shorelands
- Goal 18 Beaches and Dunes
- Goal 19 Ocean Resources

4. **Applicable City Comprehensive Plan Goals and Policies**

The following City Goals and Policies are relevant to this rezone/amendment to the City Comprehensive Plan request.

Goal E, Protection from Natural Hazards and Disasters

Through regulation of the location and type of development, the City shall work to protect life and property from natural disasters and hazards, such as landslides, fires, tsunamis and flooding. The City recognizes that with the reduction of wildland fuels, we move closer to achieving the goal of all structures surviving an on-coming fire. The City regulates activities in known areas of natural hazards and limits development that may affect the integrity of steep slopes or impact fire hazards.

Goal E policies:

1. Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural hazards without appropriate effective mitigation strategies. Such strategies shall be attested to by a State of Oregon certified engineering geologist.

5. The City shall follow recommendations in the Lincoln County Natural Hazards Mitigation Plan (NHMP).

Lincoln County NHMP 2015

Yachats Action Item #9, Relocate 'Yachats' Fire' Department 'out' of tsunami 'inundation' zone' by Yachats 'Rural' Fire 'Protection' District as 4 – 10 year implementation.

Goal H, Provide for Economic Growth

The City supports and protects businesses that serve the needs of residents and tourists, especially businesses that are locally owned. The City seeks to accomplish this by ensuring the availability of areas to accommodate economic growth and employment at appropriate locations that stimulate a vibrant, distinct and attractive downtown core.

Goal H policies:

1. The City shall maintain and enhance the economic stability of the City without diminishing the livability of the area.
2. The City shall provide adequate and suitable opportunities for economic growth.
4. The City shall, through development regulations, ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.

Goal I. Provide Adequate Public Services

The City provides residents and business owners with efficient essential public facilities and services. The City also plans for urban services to accommodate future growth. It is the City's goal to provide water and sewer services; storm drains, public safety; and emergency services to the City shall provide urban services in an economic, orderly and environmentally sound manner.

Goal I Policy

14. The City shall consider the availability of adequate emergency services and require emergency access routes in the approval of development and subdivisions.

Goal J, Meeting Housing Needs

The City encourages a variety of housing choices in appropriate locations to accommodate a range of needs and incomes including the housing needs of local workers. The City finds that providing opportunities for affordable housing to meet the needs of people of all income levels as a necessary and desirable goal.

Goal J Policy

- 1: The City shall ensure that sufficient vacant and redevelopable buildable land shall be designated for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the community. Residential development is allowable under the C-1 zoning since residential uses are allowed in the C-1 zone.

5. **Public Testimony Received:** The City received a comment/written testimony on January 29th, from Michelle and John Costa (Tax Lot 8301), regarding the rezone. They state that, "Per our conversation on Tuesday, January 28, I would like to follow up with you on my concerns. Having received your notice of public hearing concerning the proposed zoning change to lots 209,215,217, & 219 on West 2nd St. I am the owner of the property due west of the aforementioned lots. My concern is as follows, for many years my tenants and myself have used the access route between the two properties to gain access to my rentals. I would request an easement in the event there is a zoning change, to insure access to my property for the future. Thank you for your help and consideration in this matter. If you have any questions I can be reached at (209) 480-0826 or (541) 361-6486. Sincerely, John Costa."

The City received a comment/written testimony on February 7th, from Theresa M. Hanover (Tax Lot 8401), regarding concerns about rezoning an easement. She states that,

"I am writing regarding the rezoning of the former regional fire station on 2nd St in Yachats proper. I am asking that no action be taken to rezone my easement which has connected my back yard at 228 West 3rd to Second Street for over 50 years. I have used this easement for parking and accessing my property for almost 35 years. I see by the aerial photo that the shed that originated the rezoning of the easement years ago is not in the projected rezone. Is this because it is on my property line? Does the petitioner/builder want to tear it down and expose my home to a massive apartment complex or bar/restaurant with a parking lot with huge lights like you allowed across the street on 3rd and Highway 101 a few years ago? Wouldn't the old La Serre site be better suited for rezoning?

I do not want you to allow another bar or apartment complex to go up on top of my residential/rental home. When you approve these types of businesses with big parking lots that stay open to 2am across the street from homes it severely impacts the quiet and livability of our homes. It is ironic that Yachats is putting in place a light ordinance but allows huge parking lot lights to stay on deep into the night in residential neighborhoods in the middle of town.

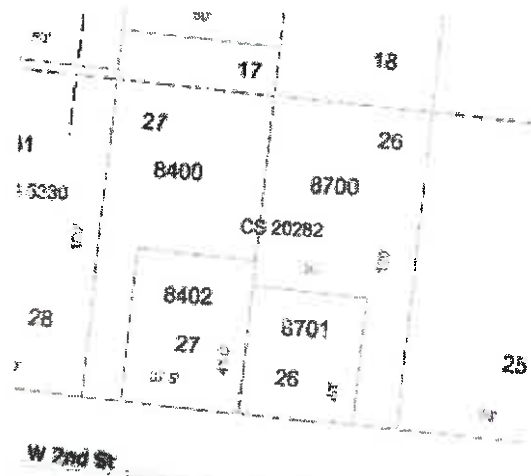
I love Yachats and as a tax paying resident for nearly 35 years I request that you realize how your actions affect the folks who live near these businesses. I have been a part of helping this town flourish and grow in wonderful ways for decades.

I use my easement to access my property and for extra parking and have fought the fire station managers and residents along the easement to keep it clear for almost 35 years. This was not easy with some difficult residents over the years and I don't wish to revisit those times. Thank you for your consideration. Theresa M. Hanover."

C. STAFF ANALYSIS

1. The Request and the C-1 Commercial Zone

The applicant is requesting an amendment to the zoning map for the rezoning of the four tax lots (Tax Lots 8400, 8402, 8700, and 8701) and the fire station complex located on the subject property from P-F (Public Facilities) (Tax Lots 8400 and 8402) and R-3 (Residential) (Tax Lots 8700 and 8701) to C-1 (Retail Commercial). A Zone change and an amendment to the zoning map is allowed with Planning Commission recommendation and City Council approval as described in Title 9 Chapter 9.84.030 of the Yachats Municipal Code (YMC).



Above is a display of the tax lots on the subject property. Below is an aerial of the tax lots on the subject property.



2. **Amendment to a Zoning Map.**

In taking action on an amendment to the City Zoning Map, the following standards and procedures shall be followed in applying for and acting on an amendment to modify or change a zoning map (each standard is followed by the applicant's response and the staff analysis):

A. Standards

1. **The change is in accord with the land use plan for the area.**

APPLICANTS RESPONSE: The PF Zone is unique in the neighborhood. A change to C-1 would bring the property into conformance with lots to the east and south. The properties to the west are zoned R-3, but a C-1 zoning would be preferred under Goal J (Meeting Housing Needs) of the City's Comprehensive Land Use Plan.

STAFF ANALYSIS: In the Introductory Section of the Comprehensive Plan, the Plan states that, 'The construction and maintenance of public, commercial, professional and residential buildings, their siting, design materials and landscaping, within reasonable variation, shall enhance rather than detract from the quiet coastal ambiance of the City.' The relocation of an emergency facility and rezoning the property to C-1 should better support 'the coastal ambiance of the City' relocating the emergency services to an area away from the concentration of retail and residential uses in the center of town. As stated by the applicant, this small portion of the subject property zoned PF is unique in this area and could be changed to C-1 to better serve the center of the City. The Existing Land Use Section also states that, 'Commercial development is concentrated on Highway 101 near the center of the city. With the exception of motels, no commercial uses exist outside of the downtown core or Highway 101 corridor,' which supports the requested rezone of the subject property in the center of town.

Goal E, Protection from Natural Hazards and Disasters, policies state that, The City shall follow recommendations in the Lincoln County Natural Hazards Mitigation Plan (as identified below).

Lincoln County NHMP 2015

Yachats Action Item #9 – Relocate 'Yachats' Fire' Department 'out' of tsunami 'inundation' zone' by Yachats 'Rural' Fire 'Protection' District as 4 – 10 year implementation.

Yachats Rural Fire Protection District is considered a critical facility in the NHMP and needs to remain out of the natural hazard areas, which it does with its relocation which is why the applicant is requesting to rezone the subject properties from P-F and R-3 to C-1.

Certain community facilities such as police and fire facilities and hospitals should be "life safe" and fully operational immediately following a Cascadia event earthquake and tsunami. Other facilities such as schools and emergency shelter type facilities need to be "life safe" and usable during repairs immediately following a Cascadia event earthquake and tsunami. This means that communities should plan to site these types of facilities in a way to avoid any risk to life and should be sited in a way to avoid most if not all inundation risk.

The relocation of the YRFPD facility also complies with Goal I of the City Comprehensive Plan.

Goal I, Provide Adequate Public Services, states that, "It is the City's goal to provide water and sewer services; storm drains, public safety; and emergency services to the City shall provide urban services in an economic, orderly and environmentally sound manner."

Goal I policies

14. *The City shall consider the availability of adequate emergency services and require emergency access routes in the approval of development and subdivisions.*

Relocation of the YRFPD to an area outside of the Tsunami Inundation Zone will not hinder the provision of public safety and emergency services to the residents of the City of Yachats.

Goal H of the City Comprehensive Plan, Provide for Economic Growth, states: *The City supports and protects businesses that serve the needs of residents and tourists, especially businesses that are locally owned. The City seeks to accomplish this by ensuring the availability of areas to accommodate economic growth and employment at appropriate locations that stimulate a vibrant, distinct and attractive downtown core.*

Goal H policies:

1. *The City shall maintain and enhance the economic stability of the City without diminishing the livability of the area.*
2. *The City shall provide adequate and suitable opportunities for economic growth.*
4. *The City shall, through development regulations, ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.*

With the relocation of the YRFPD, the subject property is available for a potential new zone designation. The rezoning of the subject property to Commercial (C-1) supports economic growth in the City and the Goal H policies, and provides an additional area in the core of downtown to be rezoned to Commercial C-1 that could stimulate a vibrant and attractive downtown with the additional space available for economic growth/development.

Goal J, Meeting Housing Needs, is also applicable, and states that, “*The City encourages a variety of housing choices in appropriate locations to accommodate a range of needs and incomes including the housing needs of local workers. The City finds that providing opportunities for affordable housing to meet the needs of people of all income levels as a necessary and desirable goal.*”

Goal J policies:

1. *The City shall ensure that sufficient vacant and redevelopable buildable land shall be designated for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the community.*

The proposed zone change will not limit the amount of potentially developable residential land in the City. Currently residential land is allowed on the subject properties zoned R-3, but not allowed on the subject properties zoned P-F. Residential development is allowable under the C-1 zoning, since residential uses are allowed in the C-1 zone.

2. **There has either been a substantial change in the character of the area since zoning was adopted, which warrants changing the zone; or, the zoning adopted for the area was in error.**

APPLICANTS RESPONSE: The location of the YRFD's main station predates the adoption of the Yachats Zoning Map. The map was drawn to accommodate the presence of the station.

Section 9.40.010 of the YMC states that 'The Public Facilities Zone (PF) is intended to designate nonresidential, City-owned land,....' This designation of the subject property is no longer appropriate, since it is not City-owned land.

STAFF ANALYSIS: These four tax lots comprising the subject property are not owned by the City and therefore do not meet the intention of the P-F zone. The subject property is not contiguous with the large area in the City designated/zoned 'Public Facility' (between 4th Street and 6th Street, North 101 and Ocean View Drive) which is owned by the City and designated for non-residential uses and planned for public use – the Commons Area.

Since the fire station has moved, there is no longer a need for two parcels on the subject property to be retained as the PF zoned property. There is adequate space for public facilities in the City, since the City owns the former bank building to the north of the current facilities allowing adequate space for additional public uses in the existing PF zone.

3. **If the proposed change is not in accord with the land use plan for the area, the Planning Commission and the City Council shall seek to determine that alteration of the plan can be justified on the basis that there has been a substantial change in the character of the area since the plan was adopted and which warrants a change in the plan, or that the plan adopted for the area was in error.**

APPLICANTS RESPONSE: Not applicable. The proposed change is in accordance with the land use plan for the area.

STAFF ANALYSIS: The Plan states a couple things in regard to fire protection and fire district location. First, under Goal E, Protection from Natural Hazards and Disasters, Policy 11, it states that that, 'The City is committed to supporting the fire district in its fire protection efforts, both short and long-term,' which does not prevent the Fire District from relocating to a larger area and partially justifies rezoning the existing facility to better accommodate the needs of the community with the relocated and updated facility. And second, under Fire Protection in the Plan, 'Yachats receives fire protection services from the Yachats Rural Fire Protection District. The District extends from the south city limits of Waldport to just south of Yachats. A fire station and fire-fighting equipment are located within the city limits on W. 2nd Street.' This section will need to be changed to reflect the new location of YRFPD.

In regard to the request, rezoning of the subject property to Commercial C-1 is in accordance with the City Comprehensive Plan and zoning since property to the east and south of the existing Fire Hall are zoned C-1 and commercial uses need to remain inside of the downtown core.

If the property is to remain zoned as R-3 and P-F, the outright reuses of the existing buildings will be limited to single-family and multi-family in the R-3 (listed in Chapter 9.20) zone, and city facilities, community center, public school, government structure or parking area in the P-F (listed in Chapter 9.40) zone. The lot coverage requirements in the R-3 zone will be a challenge to maintain if a higher density of residential uses allowed in the R-3 zone is explored.

If the property is rezoned as C-1, the reuses of the existing buildings will allow for the permitted uses allowed in the R-3 Zone and some allowed in the P-F Zone. Conditionally, the remaining uses allowed in the P-F zone can be allowed in the C-1 zone.

B. Procedure.

1. The applicant shall submit the complete application and filing fee at the City office. Pursuant to Chapter 9.88, the request is placed on the agenda for Planning Commission consideration, and is duly noticed by the City Recorder.

STAFF ANALYSIS: The applicant submitted and completed an application and filing fee for the request, and meets this requirement. The date of the hearing before Planning Commission is February 18, 2020. The date the Planning Commission recommendation will be taken before the City Council is March 4, 2020.

2. The Planning Commission shall conduct a public hearing on the proposed amendment and shall, within forty (40) days after the hearing, provide a report and recommendation(s) to the City Council regarding consistency of the proposed amendment with the standards in subsection A of this section.

STAFF ANALYSIS: The period between the Planning Commission hearing scheduled for the 18th of February and the Council hearing scheduled for the 4th of March is within 40 days, and meets this requirement.

3. The City Council shall conduct a public hearing on the proposed amendment to the zoning map subsequent to receiving the report and recommendation(s) of the Planning Commission. Notice of the public hearing shall be given in accordance with Section 9.88.060.

STAFF ANALYSIS: Notice for both hearings was sent out to the adjacent property owners on January 21, 2020, and meets this requirement.

4. At the conclusion of the public hearing, the City Council may approve, deny or remand back to the Planning Commission for reconsideration the proposed amendment.

STAFF ANALYSIS: This decision will be made at the March 4th Council Public Hearing, to meet this requirement.

3. Relevant State Requirements:

- a. State Revised Statutes (ORS):

1. ORS 197.250 Compliance with Statewide Planning goals; Except as otherwise provided in ORS 197.245 (Commission amendment of initial goals), all comprehensive plans and land use regulations adopted by a local government to carry out those comprehensive plans and all plans, programs, rules or regulations affecting land use adopted by a state agency or special district shall be in compliance with the goals within one year after the date those goals are approved by the Land Conservation and Development Commission.

STAFF ANALYSIS: This statute relates to initial adoption of a Comprehensive Plan, and therefore does not apply.

2. ORS 197.610 Submission of Proposed Changes;

STAFF ANALYSIS: This OAR relates to providing notice to the State Department of Land Conservation and Development and these proposed amendments were submitted to DLCD more than 20 days prior to the first hearing, using the proscribed DLCD (Green) Form, and meets this requirement.

3. ORS 227.186, Notice to Property Owners.

STAFF ANALYSIS: This statute details the requirements of Measure 56 notices, which are not applicable in this case.

b. State Required Administrative Rules (OAR):

1. OAR 660-003-0010, Acknowledgement Procedures and Notice;

STAFF ANALYSIS: This rule relates to initial acknowledgement of a City's plan and regulations and this proposal is a Post-Acknowledgment amendment. Therefore, this OAR does not apply.

2. OAR 660-012-0060, Plan and Land use Regulation Amendments;

STAFF ANALYSIS: This rule relates to changes that have a significant effect on an existing or planned transportation facility. All of the proposed changes do not significantly alter existing potential impacts, and/or enhance transportation. Therefore, this rule is satisfied.

3. OAR 660-025-0010, Periodic Review; and

STAFF ANALYSIS: This proposal is not part of periodic review and therefore, this OAR does not apply.

Associated Administrative Rules for each State Goal. The associated Administrative Rules for each applicable State Goal are as follows:

- Goal 1 – Citizen Involvement: the February 18th and March 4th hearings, and notice sent to the adjacent property owners January 21st complies with the Goal 1 objectives of ensuring citizen input in planning changes, satisfying Goal 1.
- Goal 2 – Land Use Planning: the application complies with numerous City Land Use Goals and Policies, as described in these findings, satisfying Goal 2.
- Goal 3 – Agricultural Lands: there are no Farm Lands included with this proposal and therefore this Goal is not applicable.

- Goal 4 – Forest Lands: there are no Forest Lands included with this proposal and therefore this Goal is not applicable.
 - Goal 5 – Natural Resources, Scenic, & Historic Resources: there are no Aggregate, Scenic, & Historic Resources included with this proposal and therefore this Goal is not applicable.
 - Goal 6 – Air, Water, & Land Resources Quality: there are no Resource Quality impacts created by this proposal and therefore this Goal is not applicable.
 - Goal 7 – Areas subject to Natural Disasters and Hazards: this Goal guides the treatment of Natural Hazard areas, allows the fire prevention service and public facility to relocate outside of the tsunami inundation zone, as the Yachats Rural Fire Prevention District has, and therefore this application supports Goal 7.
 - Goal 8 – Recreational Needs: there are no recreational needs associated with this request. Therefore, this goal is not applicable.
 - Goal 9 – Economy of the State: there are no Economic Development impacts created by this proposal that don't already exist. Therefore, this request and application support Goal 9.
 - Goal 10 – Housing: the C-1 zone, requested for the property allows for residential development as a mixed use or outright as identified in the Residential zone districts and helps to satisfy a need for more housing. Therefore, this request and application support Goal 10.
 - Goal 11 – Public Facilities and Services: this Goal requires the adoption of Public Facility Plans, which the City has, and therefore this request and application supports Goal 11.
 - Goal 12 – Transportation: there are no Transportation impacts created by this proposal that don't already exist and therefore this Goal is not applicable.
 - Goal 13 – Energy Conservation: there are no Energy Conservation impacts created by this proposal and therefore this Goal is not applicable.
 - Goal 14 – Urbanization: there are no Urbanization changes included in this proposal and therefore this Goal is not applicable.
 - Goal 15 – Willamette River Greenway: this request does not involve the Willamette River Greenway and therefore this goal is not applicable.
 - Goal 16 through 19 – Coastal Goals there are no Coastal properties included in this proposal and therefore these Goals are not applicable.
4. **Evaluation of Comments Received.** Comments were received on January 29th, from Michelle and John Costa, regarding access to their property to the west, and on February 7th, from Theresa M. Hanover, regarding rezoning of her easement and access to her property at 228 West Third.

STAFF ANALYSIS: With comments received from the Costas and Theresa Hanover, and observations made of the subject property and surrounding properties, it will be necessary for the property owner to record access easement(s) on the subject properties for access to adjacent properties that cannot access their property any other way. If there is an existing easement on the subject property serving 228 West Third, that easement will have to be recognized as well.

D. CONCLUSIONS

Staff has identified the benefits for a rezone and that the applicant has met the required standards and criteria for a rezone of the subject property from P-F and R-3 to C-1, and an amendment to the City zoning map.

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

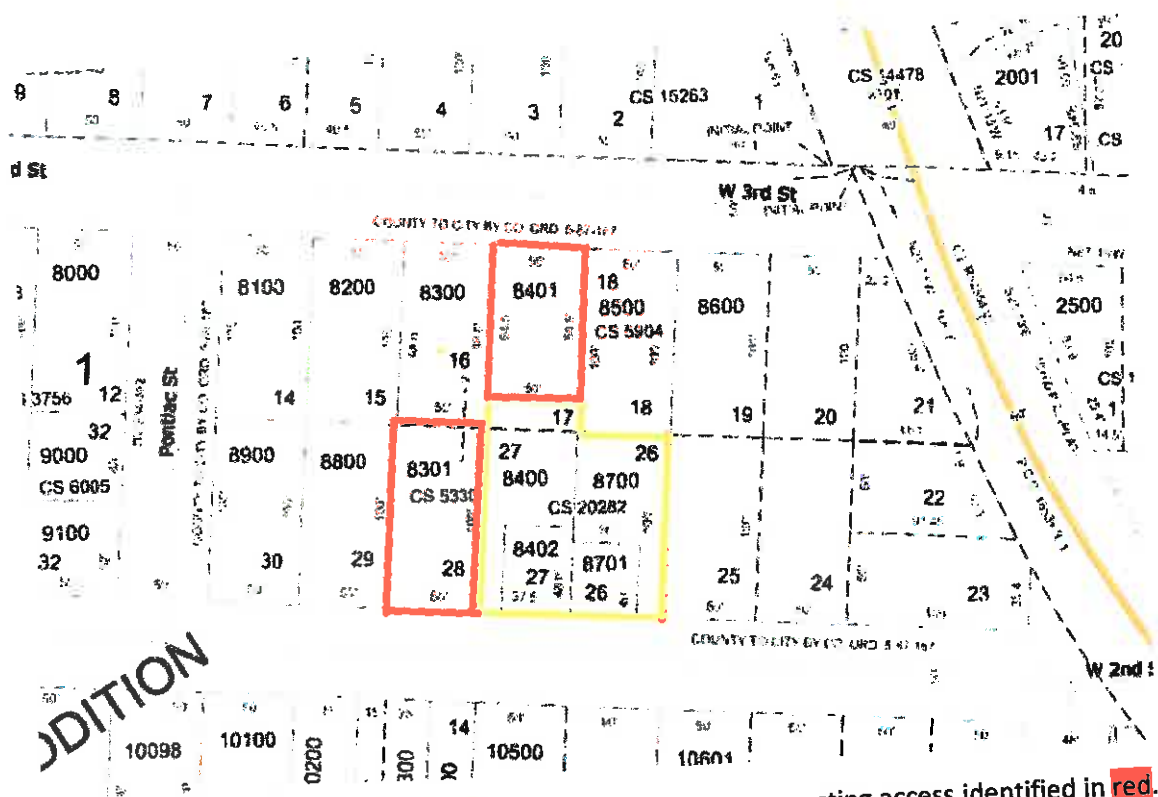
1. With the use of the western driveway on the subject property for access by the residential units (cottages) to the west, prior to sale of the subject property, in coordination with the affected property owners, the applicant shall record an easement to insure access to the property to the west (Tax Lot)

Submitted by,
David Mattison
City Planner

Enclosures:

- * Vicinity Map
- * Aerial Photograph
- * Subject Property Photograph
- * Applicant's Narrative – Responses to City Zone Map Amendment Criteria
- * Comments received

Tax Lot Maps for the Subject Property for Case #2-ZC-PC-19 Rezone of YRFPD Fire Station



Subject Property identified in yellow. Adjacent Properties requesting access identified in red.





YACHATS RURAL PPD & SOUTH LINCOLN AREA FIRE STATION

235 217

cb after 10
before 2

CITY OF YACHTS
Land Use Action/Public Hearing Checklist

☐ Variance ☐ Conditional Use ☒ Zone Change¹

Name of Applicant/Owner: Yachats Rural Fire Protection Dist

Owners Address: PO Box 1, Yachats OR 97498

Owners Phone: 541-547-3266

Legal Description: 14-12-27-DA-08700, 08701, 08402 + 08400

Site Address: 209, 215, 217 + 219 W 2nd St.

Application received: 9/24/19

Application complete: 11/19/19

deadline (120 days) 3/18/19

☐ Additional information required
Deadline to notify applicant additional info required (30 days from receipt) / /

Applicant notified: / /

*if applicant notified additional material required, and applicant refuses to supply the application shall be deemed complete 45 days from original receipt

PLANNING COMMISSION HEARING SET / /

Deadline for mailing (20 days) / /

Deadline for posting/publishing (10 days) / /

Notice mailed to adjacent property owners: / /

Notice posted (3 notices) & published: / /

CITY COUNCIL HEARING SET / /

Deadline for mailing (20 days) / /

Deadline for posting/publishing (10 days) / /

Notice mailed to adjacent property owners: / /

Notice posted (3 notices) & published: / /

Criteria used to review this request:

☐ Adjacent Property Owners list attached

¹ if a public hearing on a zone change for land which includes manufactured dwelling park see ordinance for additional information 14.050 1(e)

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R266657	Neighborhood:		Owner and	YACHATS RFPD
Map Taxlot:	14-12-27-DA-08700-00	Y216		Mailing Address:	ATTN FRANKIE PETRICK PO BOX 1 YACHATS, OR 97498
Tax Map:	14s12w27DA	Property Class:	981	Site Address(es):	
Web Map:	View Map				
Info:	YACHATS - 1ST ADDN, BLOCK 1, LOT 26,PTN OF, MF245-1173				
Tax Code:	302				
Acres:					

Improvements	Value History			
	Year	Imp.Land	Total Market	Total Assessed
No Inventory	20180	109,370	109,370	0
	20170	109,370	109,370	0
	20160	109,370	109,370	0
	20150	106,030	106,030	0
	20140	106,030	106,030	0
	20130	110,490	110,490	0
	20120	124,250	124,250	0

Sales History			
No Sales Data			

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value		
COMMERCIAL DEV SITE	0.16	104,960			For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 10/2018.
COMMERCIAL SITE		4,410			
DEVELOPMENT					

Today's Date: 10/29/2019

Lincoln County Property Report

Account # & Prop. Info		Account Details	Owner & Address	
Account #:	R269280	Neighborhood:	Owner and	YACHATS RFPD
Map Taxlot:	14-12-27-DA-08701-00	Y216	Mailing Address:	ATTN FRANKIE PETRICK PO BOX 1
Tax Map:	14s12w27DA	Property Class:	981	YACHATS, OR 97498
Web Map:	View Map		Site Address(es):	215 W 2ND ST
Info:	YACHATS - 1ST ADDN, BLOCK 1, LOT 26,PTN OF, MF245-1173			
Tax Code:	302			
Acres:				

Improvements	Value History			
	Year	Imp.Land	Total Market	Total Assessed
No Inventory	20180	104,960	104,960	0
	20170	104,960	104,960	0
	20160	104,960	104,960	0
	20150	101,750	101,750	0
	20140	101,750	101,750	0
	20130	106,030	106,030	0
	20120	119,240	119,240	0

Sales History			
No Sales Data			

Land				Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value		
COM UNDEV SITE	0.16	104,960			For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 10/2018.

Today's Date: 10/29/2019

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R264306	Neighborhood:		Owner and	YACHATS RFPD
Map Taxlot:	14-12-27-DA-08402-00	Y216		Mailing Address:	ATTN FRANKIE PETRICK PO BOX 1
Tax Map:	14s12w27DA	Property Class:	981		YACHATS, OR 97498
Web Map:	View Map			Site Address(es):	217 W 2ND ST
Info:	YACHATS - 1ST ADDN, BLOCK 1, LOT 27,PTN OF, MF19-1476				
Tax Code:	302				
Acres:					

Improvements	Value History		
	YearImp.Land	Total Market	Total Assessed
No Inventory	20180	104,960104,960	0
	20170	104,960104,960	0
	20160	104,960104,960	0
	20150	101,750101,750	0
	20140	101,750101,750	0
	20130	106,030106,030	0
	20120	119,240119,240	0

Sales History	
No Sales Data	

Land			Related Accounts	Disclaimer
Description	Acres	Market Value	Special Use Value	
COM UNDEV SITE	0.16	104,960		For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 10/2018.

Today's Date: 10/29/2019

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R195901	Neighborhood:		Owner and	YACHATS RFPD
Map Taxlot:	14-12-27-DA-08400-00	YYN:		Mailing Address:	ATTN FRANKIE PETRICK PO BOX 1 YACHATS, OR 97498
Tax Map:	14s12w27DA	Property Class:	101	Site Address(es):	219 W 2ND ST
Web Map:	View Map				
Info:	YACHATS - 1ST ADDN, BLOCK 1, LOT 17 & 27, PTNS OF, MF452-1658				
Tax Code:	302				
Acres:					

Improvements							Value History				
Description	Area	Yr Built	Found	Heat	Plumb	BDSMS	Value	Year Imp.	Land	Total Market	Total Assessed
MAIN AREA	624 sq ft	1925	FR	WALLB	1		\$38,950	201852,10072,360124,460		86,000	
								201750,39071,360121,750		83,500	
DETACHED GARAGE	320 sq ft	1925	FR				\$8,970	201643,19068,280111,470		81,070	
								201536,23077,360113,590		78,710	
COVERED PORCH	84 sq ft						\$2,930	201436,51076,860113,370		76,420	
ACCESSORY IMPROVEMENTS	1 sq ft						\$1,250	201330,28080,760111,040		74,200	
								201226,18080,370106,550		72,040	

[Foundation Code List](#)
[Heating/AC Code List](#)
[Plumbing Code List](#)

Land				Related Accounts		Disclaimer	
Description	Acres	Market Value	Special Use Value				
DEV RESIDENTIAL LOT	0.09	58,860				For assessment purposes only. Lincoln County makes no warranty as to the accuracy of the information provided. Users should consult with the appropriate City, County or State Department or Agency concerning allowed land uses, required permits or licenses, and development rights on specific properties before making decisions based on this information. Tax data exported 10/2018.	
SITE DEVELOPMENT		13,500					

Today's Date: 10/29/2019

The Yachats Rural Fire Protection District (YRFPD) is requesting a zone change for the property located at 215-217 West 2nd Street, Yachats OR. The property is currently zoned Public Facility (PF). It is bordered on the east by commercial property (C1) and on the west by multi-family (R3). Lincoln County tax reports currently describe the subject property as 'commercial sites'. YRFPD is requesting to change the zoning from PF to C1.

A. The change is in accord with the Land Use Plan for the area.

The PF zoning is unique in the neighborhood. A change to C1 would bring the property in to conformance with lots to the east and south. The properties to the west are zoned R3, but a C1 zoning would be preferable under Goal J (Meeting Housing Needs) of the City's Comprehensive Land Use Plan.

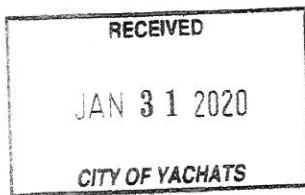
B. There has either been a substantial change in the character of the area since zoning adopted, which warrants changing the zone; or, the zoning adopted for the area was in error.

The location of the YRFPD's main station predates the adoption of the Yachats zoning map. The map was drawn to accommodate the presence of the station.

Section 9.40.010 of the Yachats Municipal Code states that 'The public facilities zone is intended to designate nonresidential, city-owned land ...'. This designation is no longer appropriate.

C. If the proposed change is not in accord with the Land Use Plan for the area the Planning Commission and the City Council shall seek to determine that alteration of the plan can be justified on the basis that there has been a substantial change in the character of the area since the plan was adopted which warrants a change in the plan, or that the plan adopted for the area was in error.

Not applicable. The proposed change is in accord with the Land Use Plan for the area.



27 JAN '20

Yachats Planning Comm.
RE #1-CU-PC-20

I am totally against
this proposal. It will not
benefit the community and
devalue our property.

I ask that you deny
the project.

Sincerely
Ron Sanders

Griseold Lot 3
14-12-22-DD-00808

HANDOUT 2-18-2020

From: Bonnie and Paul Solonika
Sent: Tuesday, January 28, 2020 7:30 PM
To: Yachats City Planner
Subject: #2-ZC-PC-19

To the Planning Commission,

In my opinion, the city of Yachats needs more parking and more affordable housing, not more shops. I suggest that this property remains P-F and R-3 to allow for these two options.

Why not use the property as a parking lot for the shops we already have? There is definitely a shortage of public parking in town.

Or build some affordable housing units for our local workforce.

Thank you,

Bonnie Solonika
245 Pontiac St.

Kimmie Jackson

From: Shannon Beaucaire
Sent: Tuesday, February 11, 2020 10:33 AM
To: Kimmie Jackson
Subject: FW: Rezoning My Yachats Easement

Kimmie,

Can you make sure this gets in the planning packet and file.

Thank you,
Shannon

Shannon Beaucaire
City Manager
City of Yachats
Citymanager@yachatsmail.org
YachatsOregon.org
PO Box 345
Yachats, OR 97498
Phone: 541.547.3565
Fax: 541.547.3063

From: Tessa Hanover <tmhanover@comcast.net>
Sent: Monday, February 10, 2020 8:06 PM
To: Yachats City Planner <Planner@YachatsMail.org>
Cc: City Hall <cityhall@YachatsMail.org>
Subject: RE: Rezoning My Yachats Easement

Sorry Mr. Mattison the public announcement I received shows the yellow outline of a square that includes my 50+ year old easement. It runs on the west along the old firehouse on 2nd St W. to my backyard at 228 3rd W. Someone included it in the projected commercial rezoning public announcement flyer you sent residents. Why was the firehouse houses garage that is on my land not included but the easement is? As the photo shows the dilapidated garage attached to the small house behind the old firehouse will not be rezoned but a large portion of my easement will be. Just wondering why you drew it that way? Is that the outline of the official requested commercial rezoning and legal description or just an estimate of project area? Can you please include this email from me in the findings and public record for your meeting next week.

Thank You,

Theresa M. Hanover

From: Yachats City Planner [<mailto:Planner@YachatsMail.org>]
Sent: Monday, February 10, 2020 11:45 AM
To: Tessa Hanover
Subject: Re: Rezoning My Yachats Easement

Ms Hanover,

There is no rezoning of your property or your easement on West Third Street. The rezoning request is for the old Fire Hall at 215/217 West Second Street. Nor is there any connection between your easement on Third Street and the old Fire Hall on Second Street. The only property that is being rezoned is that of the old Fire Hall. I can include your letter in the findings and report as part of the record, but again, please note that it is not relevant to the rezoning on Second Street.

I apologize for the confusion.

Please let me know if you have any other questions.

David Mattison

Planner/Code Enforcement

City of Yachats

PO Box 345, Yachats, OR 97498

541-547-3565

From: Tessa Hanover <tmhanover@comcast.net>
Sent: Sunday, February 9, 2020 8:52 AM
To: Yachats City Planner <Planner@YachatsMail.org>
Subject: RE: Rezoning My Yachats Easement

Hi Mr. Mattison,

As a clarification to my previous email I want to ask how my easement is a part of this petition for rezoning in the first place? I want to retain my easement rights but am also wondering if rezoning my property at 228 West 3rd zoned R3 to commercial could be discussed? I know the intent of City officials was to make both sides of 3rd street commercial one day but I am unsure of adjacent home owners wishes. Would it change how I currently utilize my home of almost 35 years.

Thanks,

Theresa Hanover

From: Tessa Hanover [<mailto:tmhanover@comcast.net>]
Sent: Sunday, February 9, 2020 6:40 AM
To: planner@yachatsmail.org
Subject: Rezoning Yachats Easement

Dear Yachats City Planner Mr. Mattison,

2/7/20

I am raising an objection to the rezoning of my property's easement from my back yard at 228 West 3rd Street Yachats to the old regional fire station on 2nd Street in Yachats, OR. This easement has been in place for over 50 years and I have enjoyed the use of it for parking on my property and doing home projects for almost 35 years. I fear the rezoning will allow a huge multi story apartment complex or restaurant /bar with huge parking lights to be built behind my home with

lots of cars blocking my easement. I consider the old La Serre Building and parking lot a better location for these endeavors since it has functioned in this capacity for over 50 years.

I have attached a letter to appeal to the Planning Commission of my strong objections and also mailed it by the US Postal Service to be shared with the Planning and Zoning Commission. Please understand the quiet and livability of residents and guests is greatly impacted by your decisions.

Thank you.

Sincerely,

Theresa Hanover

