

1. 3:00 P.M. Agenda

Documents:

[2020-05-19 Planning Commission Agenda.pdf](#)

2. 3:00 P.M. Meeting Materials

Documents:

[1-PAR-PC-20 Application.pdf](#)
[2020-02-18 Planning Minutes.pdf](#)
[2020-03-10 Public Works Minutes.pdf](#)
[Memo To PC Re Spring 2020 Report.pdf](#)
[Parking Count Maps\[4251\].Pdf](#)
[Staff Report For 1-PAR-PC-20.Pdf](#)



**CITY OF YACHATS
PLANNING COMMISSION MEETING
441 Hwy 101 N., Yachats Commons, Room 1
Tuesday, May 19, 2020: 3:00 pm**

You can join to the meeting using the following means:

Join Zoom Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/89726445753?pwd=VXErZzB4ZE1jaFRqNjJvNlZqcEtZz09>

Meeting ID: 897 2644 5753

Password: 704576

One tap mobile

+12532158782,,89726445753#,,1#,704576# US (Tacoma)

+13462487799,,89726445753#,,1#,704576# US (Houston)

Dial by your location

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 897 2644 5753

Password: 704576

Find your local number: <https://us02web.zoom.us/j/89726445753?pwd=VXErZzB4ZE1jaFRqNjJvNlZqcEtZz09>

AGENDA

- I. Call to Order
- II. Announcements and Correspondence
- III. Minutes
 - A. February 18, 2020 Work Session and Regular Meetings
- V. Citizen's Concerns
- VI. Public Hearings
 - A. 2-Lot Partition Plat Application Case #1-PAR-PC-20, Dale Erlewine, Aubry Connor
- VII. Business
 - A. Parking Count
- 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 via *Zoom*. Minutes of all public meetings are available for review 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. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD).

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) two days in advance. Posted 5/8/20

CITY OF YACHATS

P.O. Box 345, Yachats, OR 97498 • (541) 547-3565 • FAX (541) 547-3063

Partition/Subdivision

Partitions \$200.00
Subdivision:
4-9 lots 250.00
10 or more lots 350.00

Date Received: 2-21-20

Fee Received:

Staff Initials: *DAW*

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

☒ Partition

☐ Subdivision 4-9 lots

☐ Subdivision 10 or more lots

Address of Property: 1750 Hwy 101 North

Tax Lot No. 14-12-23-CC-01500

Property Owner: Erlewine, Dale A & Conner, Audrey L. Phone: (509) 690-7878

Mailing Address: PO Box 322, Yachats, OR 97498

Agent (if any): N/A Phone:

Address:

Surveyor: Gary Nyhus Phone: (541) 270-1391

Directions to property:

Current Zone: R-3 Lot Dimensions: 150X140 Area: 21,000 Sq Ft

Flood Zone: No Natural Hazard: No

Name of Subdivision: N/A

Water Source: City Sewage Disposal: City

Other Utilities:

The following information is required at the time of submittal.

An incomplete application will not be accepted.

A map of the property containing the following information:

- Date, north point and scale of the drawing.
- A vicinity sketch showing the location of the partition/subdivision.
- The approximate location and dimensions of all proposed boundary/lot lines.
- Approximate area of the property being partitioned and each proposed parcel. For a subdivision - Gross acreage of the property being subdivided, number of lots within the plat, and size of the smallest lot in the plat.
- Name, location, and width of all existing and proposed roads, right-of-way, and easements.
- Existing and proposed uses of the property.
- Approximate location and use of all existing structures to remain on the site. Indicate those to be removed.
- Any limitations to development; i.e. topography, areas subject to flooding, geologic hazards, drainage channels on property, etc.
- A copy of the request to the County Health Department for site inspection.

For subdivision also include:

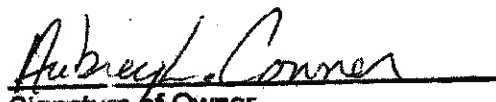
- Names, surfacing, direction of drainage, and approximate grade of all streets within and abutting the subdivision.
- Legal access to subdivision, if not abutting a public road. (If by easement, a copy of the deed giving easement.)
- Proposed lot and block numbers.
- Width, depth, and direction of flow of all drainage channels on the property.
- Contour lines with a ten (10) foot interval if slope exceeds 10%; five (5) foot intervals if less than 10%. State the source of the contour information.
- All existing and proposed easements crossing the property.
- Pedestrian walkways (if any).
- Areas other than streets to be offered for dedication to the public - example - parks.
- Heavily wooded areas.
- Adjacent land owned by the subdivider.
- The feasibility report.

Note: Some of the above items may not apply to the property being subdivided, however, as much information as possible must be shown. A preliminary plan may be returned until adequate information is given.

I certify that this application and its related documents are accurate to the best of my knowledge.


Signature of Applicant or Agent

2/13/20
Date


Signature of Owner
(if different than agent)

2/13/20
Date

Notes:

- Within 5 business days following the acceptance of an application by City Staff, copies of the preliminary plan shall be distributed to appropriate agencies and departments for review, comments, and recommendations.
- If approved, the preliminary approval is valid for one year for a partition, two years for a subdivision. During that time all conditions set out by the Planning Commission should be completed.
- Please review the current ordinance to ensure all requirements are met when submitting final plat.
- For a subdivision: At such time as a preliminary plan is proposed which includes private streets, all adjacent property owners will be notified of such proposal and the time and place of the Planning Commission meeting.

Lincoln County Property Report

Account # & Prop. Info		Account Details		Owner & Address	
Account #:	R509722	Neighborhood:		Owner and	ERLEWINE DALE A &
Map Taxlot:	14-12-23-CC-	YYNR		Mailing Address:	CONNER AUBREY L
01500-00		Property Class:	101		PO BOX 332
				Site Address(es):	YACHATS, OR 97498
Tax Map:	14s12w23CC				1750 HWY 101 N
Web Map:	View Map				
Info:	P.P. 1998-12, PARCEL 1, ACRES 0.40, UNTITLED MANUFACTURED STRUCTURE, DOC201901355				
Tax Code:	302				
Acres:	0.40				

Improvements						
Description	Area	Yr Built	Found	Heat	Plumb	BDMS Value
MAIN AREA	1404 sq ft	2005	CB	FOR	B2	\$104,850
GEN PURPOSE BLDG	900 sq ft		P			\$20,370
MULTI-PURPOSE SHED	128 sq ft		FR			\$2,300
GEN PURPOSE BLDG	640 sq ft		CONC			\$3,390
ACCESSORY IMPROVEMENTS	1 sq ft					\$1,250
FOR MOBILE HOME SKETCHING PURPOSES ONLY	1404 sq ft					\$0

Foundation Code List Heating/AC Code List Plumbing Code List

Value History					
Year	Imp.	Land	Total Market	Total Assessed	Levied Tax
2019	132,130	83,120	215,280	198,400	2,599.89
2018	124,700	72,070	196,770	192,630	2,563.51
2017	99,760	71,070	170,850	170,850	2,250.49
2016	88,040	73,540	159,580	159,580	2,004.70
2015	87,600	83,390	170,990	170,990	1,995.66
2014	98,340	82,890	171,230	171,230	2,009.36
2013	73,190	87,120	160,310	160,310	1,872.45
2012	94,230	220,040	314,260	187,020	2,188.46

Sales History				
Sale Date	Price	Document	Type	Code
02/08/2019	\$234,000	201901355	33	WD

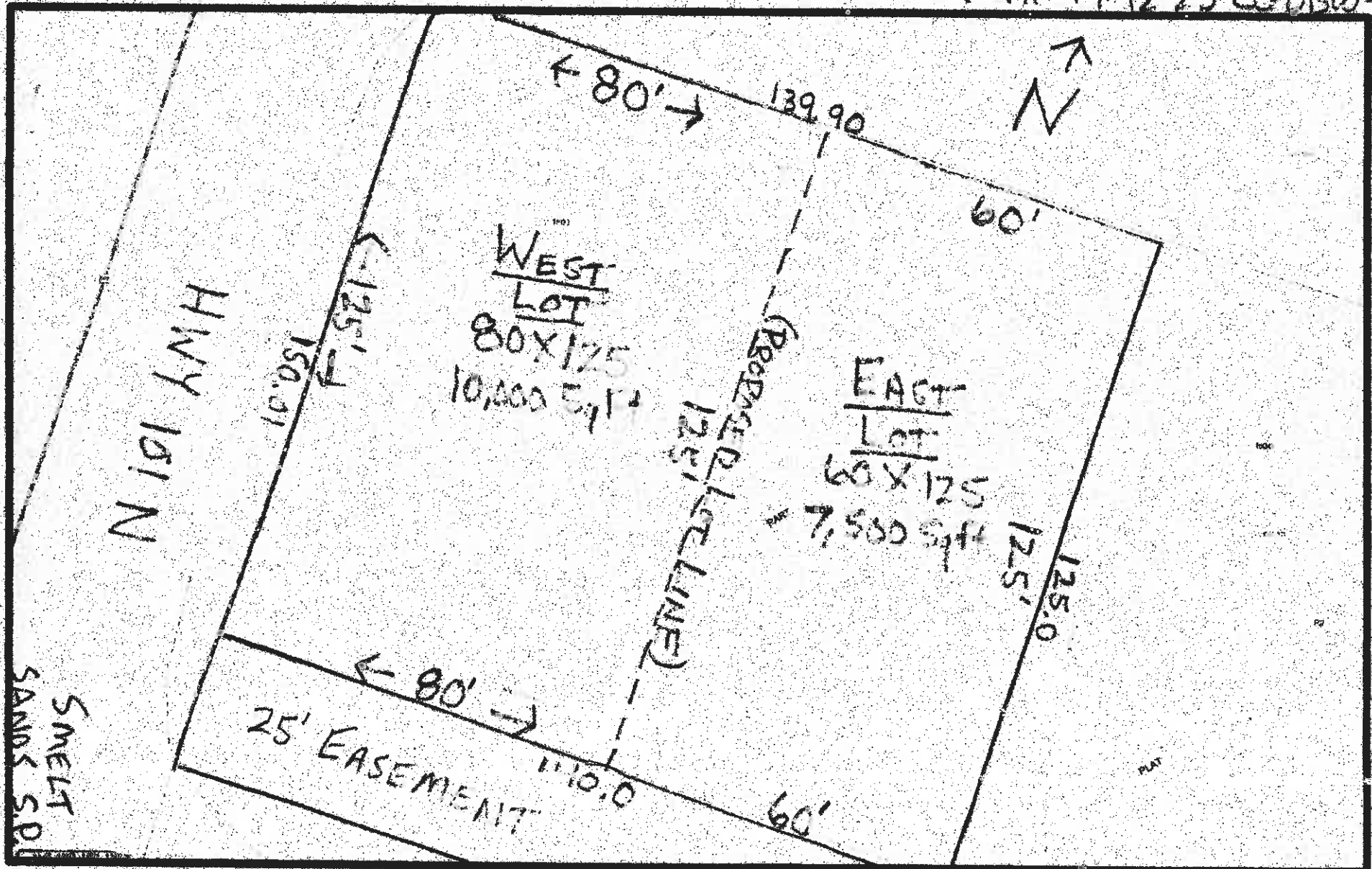
Land	Related Accounts	Disclaimer

Map

PROPOSED LOT LINE

1750 HWY 101 N
YACHTS OR

MAP 14-12-23-CG-0150-00



Printed 02/13/2020

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SMITH CONTRACT
STATE PLANS

UPDATED
2-12-20

HWY 101 NORTH

WEST LOT
80' X 125'

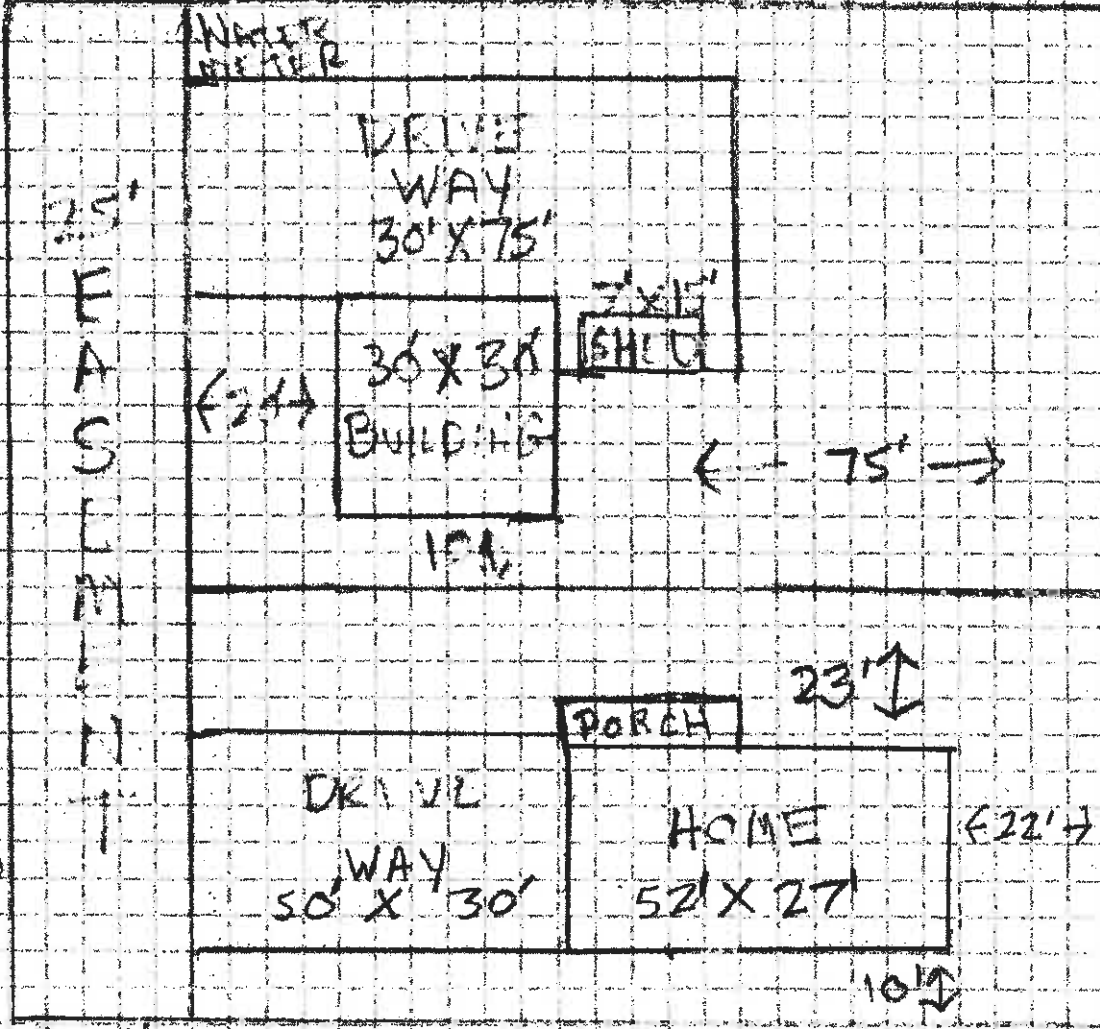
CULVERT
FIND LITTLE
EXISTING

← 125' →

10,000 S.F.

PROPOSED
LOT PARTITION
1750 HWY 101 N
YACHT CLUB
CITY 113

MAP TAX LOT
14-12-23-CC-015000



↑ 100' ↓

N →

EXISTING
STRUCTURE
FEMIN
R-3
SINGLE
FAMILY

SCALE
ONE BLOCK =
5 FEET

← 125' →

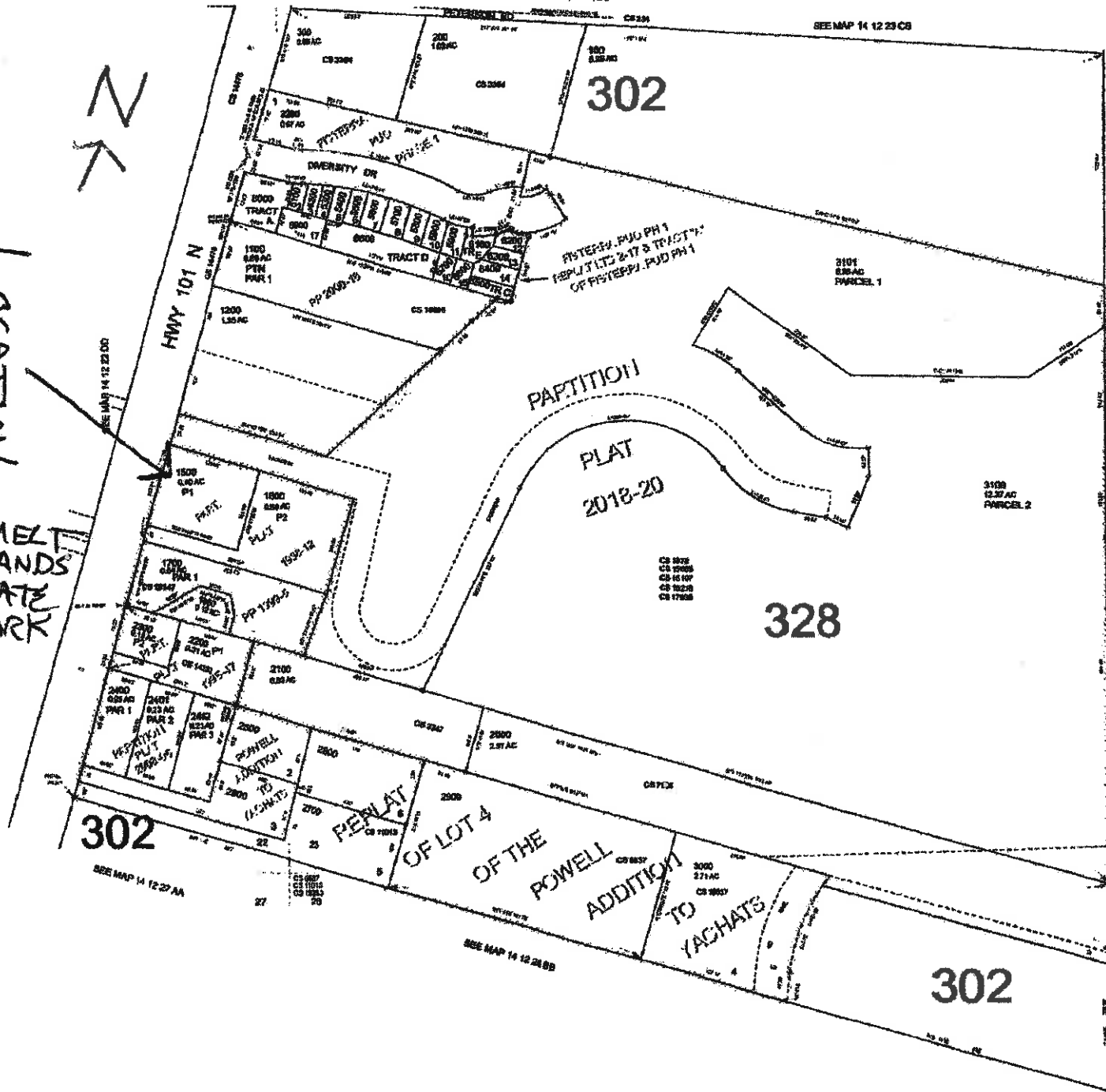
EAST LOT
60' X 125'
7,500 S.F.

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

S.W.1/4 S.W.1/4 SEC.23 T.14S. R.12W. W.M.
LINCOLN COUNTY
1"=100'

14 12 23 CC
YACHATS



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LOCATION
OF LOT

01/27/20

Revised: SAO
01/03/2019

YACHATS
14 12 23 CC

LOCATION
OF LOT TO
BE PARTITIONED
MELT SANDS
STATE PARK
1750 HWY 101 NORTH
YACHATS, OR 97498
MAP TAX LOT 14-12-23-CC-01500-80



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)

March 3, 2020

NOTICE OF PUBLIC HEARING

#1-PAR-PC-20

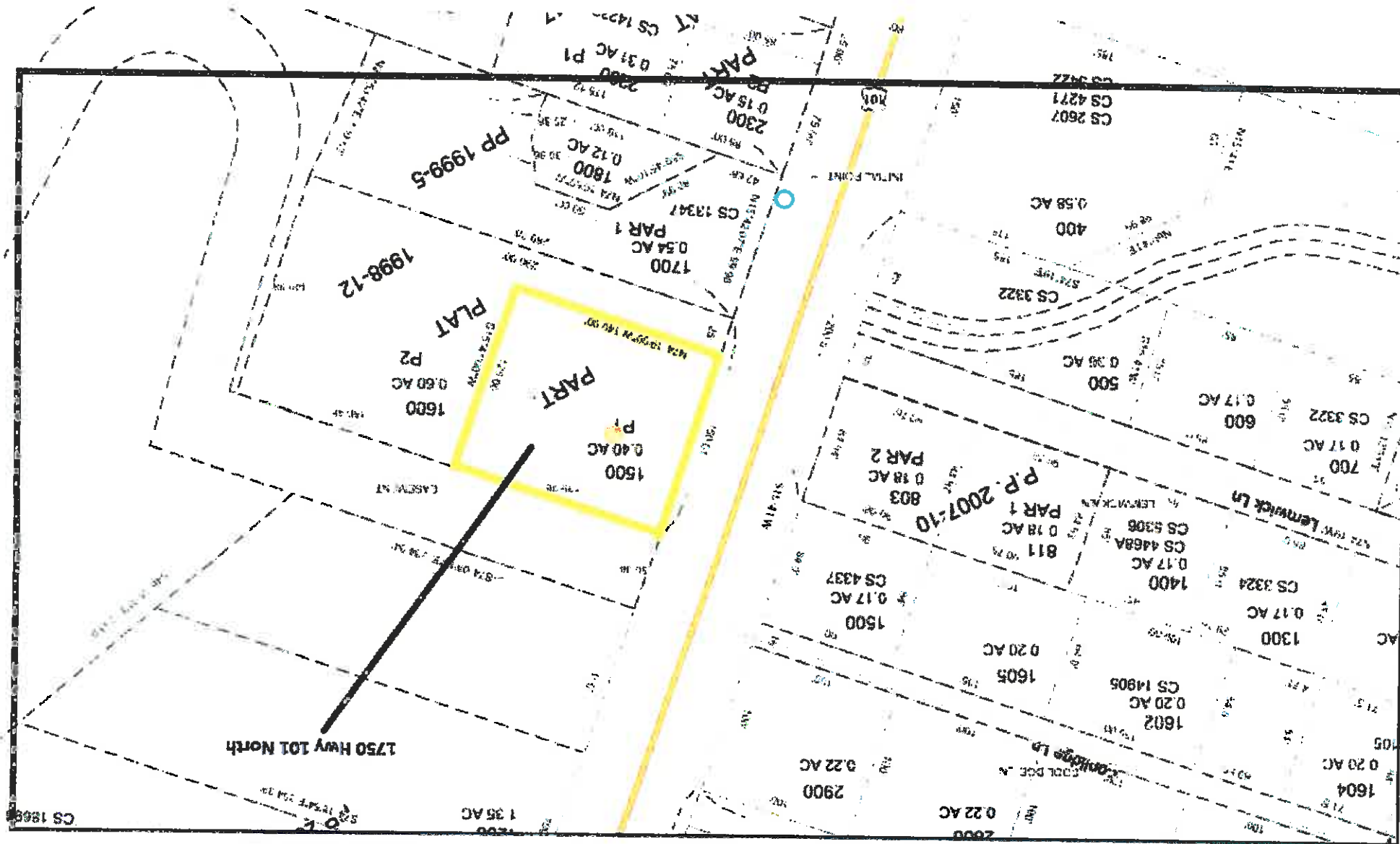
Yachats Planning Commission

- Applicant:** Dale A Erlewine & Aubrey L Conner, PO Box 332, Yachats, OR 97498
- Public Hearing Date and Location:** A public hearing will be held before the Yachats Planning Commission, Tuesday, April 21, 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 1750 101 North; and described on the Lincoln County Assessor's Map 14-12-23-CC, Tax Lot 1500.
- Proposal:** The applicant is requesting to partition the subject property into two (2) parcels.
- Applicable Criteria:** Yachats Municipal Code, Title 9 Zoning and Land Use
- Chapter 9.04 Definitions
 - Chapter 9.20 R-3 Residential Zone
 - Chapter 9.56 Approval of Partitions and Subdivisions.
- Contact:** David Mattison, City Planner (541) 547-3565, ext. 104

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

Written comments may be submitted to the City of Yachats, at 441 North Highway 101, Yachats, Oregon, mailed to PO Box 345, Yachats, OR 97498, or emailed to planner@yachatsmail.org. You are encouraged to submit written testimony to the City at least one (1) week in advance of the Tuesday, April 21, 2020, 3:00 pm hearing. Written testimony received prior to the meeting will be forwarded to the Planning Commission. The public may provide oral testimony at the public hearing.

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



14-12-22-DD-03000/03101-00
GRAND PACIFIC LLC
FIRESIDE HOSPITALITY LLC
320 SW CENTURY DR, STE 405-401
BEND, OR 97702

14-12-22-DD-00803-00
DANIELSON DAVID O & DANIELSON
ROWENA D
12714 SE ANGUS ST
VANCOUVER, WA 98683

14-12-23-CC-02400/02401/02402-00
BEATTIE JAMES C TRUSTEE & BEATTIE
PAMELA O TRUSTEE
PO BOX 5280
STATELINE, NV 89449

14-12-22-DD-01600-00
LINCOLN COUNTY
ATTN LEGAL COUNSEL
225 W OLIVE ST, RM 110
NEWPORT, OR 97365

14-12-22-DD-00400-00
BOSTON OLEN SR TRUSTEE, ATTN
JENNIFER VANDRAISS
1679 HWY 101 N
YACHATS, OR 97498

14-12-23-CC-02500-00
DERIBERPREY JOHN & IFRAN CELIA I
PO BOX 724
YACHATS, OR 97498

14-12-22-DD-02800-00
RYAN ELIZABETH LILA TSTEE
PO BOX 423
YACHATS, OR 97498

14-12-23-CC-01200-00
FLAMING GORDON D & FLAMING
SHIRLEY I
PO BOX 978
WALDPORT, OR 97394

14-12-23-CC-03101-00
ELK MOUNTAIN PROPERTIES LLC
8857 N 63RD PL
PARADISE VALLEY, AZ 85253

14-12-22-DD-02900-00
GONZALEZ KADI LAFERLA & GONZALEZ
JUAN JOSE JR
6429 DENMEAD ST
LAKEWOOD, CA 90713

14-12-23-CC-01500-00
ERLEWINE DALE A & CONNER AUBREY L
PO BOX 332
YACHATS, OR 97498

14-12-22-DD-01201-00
CHAMBERS CARLA M TRUSTEE &
REYNOLDS CRAIG WESTON & SMITH
KATHLEEN ANN
PO BOX 284
YACHATS, OR 97498

14-12-23-CC-01600-00
RAZ ASSAF & RAZ ITAY
434 N VENICE BLVD
VENICE, CA 90291

14-12-22-DD-01605-00
HERRICK AVERY P & HERRICK LEIF P
1220 NE 11TH CT
HILLSBORO, OR 97124

14-12-23-CC-01700-00
BROWN MARY A
PO BOX 827
CARVER, MA 02330

14-12-22-DD-00401/00500-00
STATE OF OREGON, % OREGON PARKS
& REC DEPT
725 SUMMER ST NE, STE C
SALEM, OR 97301

14-12-23-CC-01800-00
AMES JAMES PHILLIP & AMES CONNIE
RENEE
299 APPLE BLOSSOM AVE N
KEIZER, OR 97303

14-12-22-DD-01500-00
MORAN MICHAEL G & MORAN RHONDA
S
PO BOX 741
YACHATS, OR 97498

14-12-23-CC-02300/02200-00
RAY DANNY & RAY LYSA
542 TRAVERSE DR
COSTA MESA, CA 92626

14-12-22-DD-00811-00
MCCOY RICHARD RAND & MCCOY
DENISE LOUISE
35659 SUMMERS LN
PHILOMATH, OR 97370

14-12-23-CC-02100-00
SCHROEDER WILLIAM P & SCHROEDER
SUSAN E
PO BOX 247
YACHATS, OR 97498

14-12-23-CC-01500 Aerial Site View



14-12-23-CC-01500 Aerial Site View





City of Yachats

PLANNING COMMISSION

February 18, 2020

Draft Minutes

I. Call to Order

Chair Helen Anderson called the February 18, 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, Mary Ellen O'Shaughnessey, Jacqueline Danos. Absent: Christine Orchard and Doug Conner. Staff present: City Planner Dave Mattison. Also present: COG Planner Justin Peterson. Audience: 5.

II. Announcements and Correspondence - none

III. Minutes

A. January 21, 2020 Work Session and Regular Meeting

Commissioner O'Shaughnessey moved to approve the January 21, 2020 Work Session and Regular meeting minutes as presented: Aye – 5; No – 0.

IV. Citizen's Concerns - none

V. Public Hearings

A. Bed and Breakfast Case #1-CU-PC-20 Jana Kelly

Anderson opened the hearing for case file #1-CU-PC-20 on a bed and breakfast application from Jana Kelly for 610 Lemwick Lane at 3:01 pm.

Conflicts: No Commissioner asked to abstain from voting because of possible financial gain, owning property in the notice area, having a direct personal interest, or not being able to be impartial.

Disclosures: Commissioners Dickinson, Danos, Bloch, O'Shaughnessey disclosed they have walked past the property many times. Bloch disclosed he has talked to the property owner in previous City Council meetings but not about this hearing.

Case Testimony: Planner Mattison stated there were two additional items of testimony which he provided to Commissioners. Commissioners were given time to review the new material, and concurred they had adequate time to review the materials.

1 *Process:* Anderson explained the procedure for the hearing and for public testimony. She
2 noted that once public testimony is closed, questions to the applicant or a person who
3 gave testimony will require reopening the public testimony portion.
4

5 Mattison reviewed the application for rezoning where the old Fire Station was located that
6 included four tax lots, all to be rezoned to C-1, summarized his staff report, and identified
7 the relevant sections of the Yachats Municipal Code (YMC) including:

- 8 • 9.03.030 Definitions
- 9 • 9.16.030 Conditional uses in R-2 zone
- 10 • 9.48 Off-street parking and loading
- 11 • 9.72 Conditional Uses
- 12

13 Mattison reported the applicant meets the requirements in the YMC.
14

15 Mattison read the letters received to date from:

- 16 1. Ron Sanders Griswold
- 17 2. Doug and Sherry Conner
- 18 3. Quinton and Kathy Smith
- 19

20 Mattison read the letters received to date from:

- 21 4. Ron Sanders Griswold
- 22 5. Doug and Sherry Conner
- 23 6. Quinton and Kathy Smith
- 24

25 Anderson stated that failure to raise an issue during this hearing so that the applicant has
26 the opportunity to respond to the issue precludes the right to appeal the matter to the Land
27 Use Board of Appeals based on that issue.
28

29 Anderson opened the public testimony portion of the hearing at 3:22 pm.
30

- 31 1. Jana Kelly, applicant, stated the vacation rental license will end when the property is
32 sold. Commissioners asked questions about the number of existing parking spaces
33 and the size of the garage and garage door. Kelly indicated she was not planning to
34 change the garage door or change the exterior structure of the home. Kelly clarified
35 that she was planning to purchase the property and that closing was contingent
36 upon getting the bed and breakfast permit.
- 37 2. Crystal Beal (615 Lemwick Lane) had concern about people coming onto her
38 property, how people park at the property, the buses and large vehicles that park
39 there.
- 40 3. Quinton Smith, 501 Lemwick Lane, stated having someone live at the property
41 would be an improvement but had issues with the way the parking is described in
42 the application. He did not believe there was adequate room for the parking as
43 presented.
- 44 4. Mary Reeves (551 Lemwick Lane) stated the safety light by the garage is extremely
45 bright and asked the owner to address that.
- 46 5. John Moore (514 Lemwick Lane) believed that having someone onsite would be an
47 improvement.

1 6. Maggie Marshall (500 Lemwick Lane) had concerns about the parking and did not
2 believe the garage could fit a double door. She stated that the driveway indicated
3 on the map was only a narrow, graveled path and did not think there was room for
4 parking in the back.

5
6 Anderson closed the public testimony portion of the hearing at 3:38 pm.

7
8 Commissioners believed they had the information they needed to deliberate and make a
9 decision.

10
11 Dickinson had concern about the parking. Mattison clarified there were seven required
12 parking spaces. Commissioners agreed the garage could not accommodate two cars.
13 Danos had concern that with all of the parking, the home would not look like a residence.
14 Bloch noted the gravel portion on the west side of the property only extends to the edge of
15 the house. Mattison clarified that the property had never had a variance.

16
17 Commissioners discussed the definition of an off-street parking space from 9.04.030 that,
18 "Required off-street parking spaces shall not be located within a required yard that abuts a
19 street." Mattison believed since the requirement was in the definition, it would not apply.
20 Anderson strongly believed anything stipulated in the code was a requirement. Mattison
21 noted that this requirement had previously not been enforced. Commissioners agreed that
22 this policy was acceptable.

23
24 Commissioners clarified that Mattison had walked the site and believed the parking spaces
25 indicated were feasible within the property. Mattison noted that landscaping could be
26 required to make the property look more residential.

27
28 Commissioners agreed that one car in the garage, one car in the gravel drive, and five
29 cars in the front met the parking requirements and that a car could back into the road from
30 the gravel drive but not the front lot.

31
32 Commissioners discussed the reality of putting five cars in the front, whether a variance
33 could be granted for less parking, and whether the rooms to rent should be reduced to only
34 have four spaces in the front. The majority believed that a variance was not appropriate
35 and that the spaces indicated in the application meet the requirement, provided there was
36 adequate space.

37
38 Mattison suggested requiring landscaping to soften the appearance. Commissioners
39 agreed that there should be a requirement to have landscaping along the front edge
40 (north) of the property to improve the appearance and to help delineate the ingress/egress
41 portion of the parking area. Bloch clarified that Kelly planned to add parking bumpers to
42 indicate where the spaces were.

43
44 Dickinson asked to add clarifying language to Condition 8 that five of the spaces are to be
45 maintained for guest parking, two are for the resident, and spaces should be clearly
46 delineated on the ground.

1 Bloch moved to approve the bed and breakfast application case #1-CU-PC-20, given that
2 the additional conditions discussed above are met, and to have the Planner prepare the
3 findings: Aye – 5; No – 0.
4

5 Anderson closed the public hearing on case #1-CU-PC-20 at 2:59 pm.
6

7 **B. Zoning Change Case #2-ZC-PC19 , Yachats Rural Fire Protection District**

8 Anderson opened the hearing for case file #2-ZC-PC19 on a bed and breakfast application
9 from the Yachats Rural Fire Protection District (YRFPD) for rezoning four tax lots at 4:00
10 pm.
11

12 *Conflicts:* No Commissioner asked to abstain from voting because of possible financial
13 gain, owning property in the notice area, having a direct personal interest, or not being
14 able to be impartial.
15

16 *Disclosures:* All Commissioners disclosed they have walked past the property many times.
17 Dickinson disclosed he has spoken to people from YRFPD, but not about this project.
18

19 *Case Testimony:* Planner Mattison stated that all testimony to date has been submitted
20 and Commissioners indicated they have had adequate time to review the testimony.
21

22 *Process:* Anderson explained the procedure for the hearing and for public testimony. She
23 noted that once public testimony is closed, questions to the applicant or a person who
24 gave testimony will require reopening the public testimony portion.
25

26 Mattison reviewed the application for a five-bedroom bed and breakfast establishment
27 which will require seven off-street parking places, summarized, his staff report, and
28 identified the relevant sections of the Yachats Municipal Code (YMC) including:

- 29 • 9.03.030 Definitions
- 30 • 9.20 R-3 Residential zone
- 31 • 9.28 C-1 Retail commercial zone
- 32 • 9.40 P-F Public facilities zone
- 33 • 9.84.030 Amendment to a zoning map
34

35 Mattison identified the relevant state requirements including:

- 36 • ORS 197.250 Compliance with statewide planning goals
- 37 • ORS 197.610 Submission of proposed changes
- 38 • ORS 227.186 Notice to property owners
- 39 • OAR 660-103-0010 Acknowledgement procedures and notice
- 40 • OAR 660-012-0060 Plan and land use regulation amendments
- 41 • OAR 660-025-0010 Periodic review
- 42 • Goal 1 – Goal 19 of State Goals
43

44 Mattison identified the relevant sections of Goals E, H, I, and J from the Yachats
45 Comprehensive Plan.
46

47 Mattison reported the applicant meets the requirements outlined above.

1 Mattison explained the Planning Commission would make its recommendation to Council,
2 Council would have a public hearing and a second reading. Mattison noted the 120-day
3 clock will end on March 18, 2020.

4
5 Mattison reported the driveway on the west side of the properties under review is used by
6 the residents to the west of the driveway and those residents want to ensure that access
7 remains. The property to the north also wants to ensure access to her property from this
8 driveway.

9
10 Mattison summarized the additional testimony from:

- 11 1. Bonnie and Paul Solonika
- 12 2. Dave Buckwald, Yachats Wastewater Treatment Plan Operator

13
14 Mattison highlighted the relevant items from the Comprehensive Plan and explained how
15 this application adheres to the Plan due to the relocation of the Fire Station.

16
17 Anderson stated that failure to raise an issue during this hearing so that the applicant has
18 the opportunity to respond to the issue precludes the right to appeal the matter to the Land
19 Use Board of Appeals based on that issue.

20
21 Anderson opened the public testimony portion of the hearing at 4:18 pm.

- 22
23 1. Katherine Guenther, Board Member YRFPD/applicant, emphasized that the C-1
24 zoning does allow for the development of residential dwellings. She highlighted that
25 Lincoln County already considers three of the four properties as commercial uses
26 as indicated in the property reports and that the fourth property was less restrictive
27 than adjoining properties. She suggested parking requirements would significantly
28 limit any large commercial operation such as a restaurant or bar.
29
- 30 2. Frankie Petrick, YRFPD Fire Chief, provided history on the garage, shed, and
31 encroachments between the properties under consideration and the private property
32 to the north. She explained the line for the tax lot was likely drawn without
33 surveying the garage built in 1926, so the garage encroaches onto the adjoining
34 property. She explained to the property owner, Mrs. Hanover, that the portion of the
35 garage that encroaches will be removed. Petrick explained there was an easement
36 to that property to the north along the driveway on the west end of the properties
37 under consideration. She added that the west residents cannot block the easement
38 to the north property. She believed the easement was twelve feet wide. Guenther
39 added that they will get the legal recording for the easement to the west should they
40 learn it was not documented when they get the title report. Petrick explained the
41 history with the water lines and suggested that it should be addressed when the
42 new use of the property is determined and as a condition of the sale, rather than
43 doing the demolition work needed to address the leak now.
44
- 45 3. Morgan Brodie (258 W 2nd Street) asked whether neighbors would have input on
46 how the property is used if it were zoned C-1. Mattison explained that they would
47 not unless there was a variance needed for the development or use. Petrick noted
48 the issue with lack of parking that would limit the type of development. Guenther

1 stated that people could state their preferences to the YRFPD Board on how the
2 property should be used.

3
4 Anderson asked Petrick to elaborate on the water issue. Petrick explained the fix is the
5 responsibility of YRFPD, but it did not make sense to do the work needed to further identify
6 the problem and correct it now before they knew how a future owner planned to use the
7 property. She suggested the matter be a disclosure in the sale of the property.

8
9 Anderson closed the public testimony portion of the hearing at 4:34 pm.

10
11 Bloch stated that, as long as the easements were addressed and the water issue would be
12 addressed, he did not see any issues with the rezoning.

13
14 Danos had concern about getting adequate citizen involvement in the process given all the
15 changes going on with the City. She speculated that the afterschool program could benefit
16 from moving from the basement to a P-F property. She also stressed the importance of
17 getting more workforce housing. Planner Peterson stated the C-1 zoning allows for any
18 type of housing. Anderson noted that the Commission would only be making a
19 recommendation to Council, who would then have another hearing.

20
21 Dickinson stated his biggest concern was about the easements. He suggested that this be
22 included in the conditions.

23
24 Bloch moved to recommend to the City Council that the zoning of these properties be
25 changed to C-1 with the understanding that the easements will be legally established and
26 the sewer line issues are disclosed: Aye – 5; No – 0.

27
28 Anderson closed the public hearing on case #2-ZC-PC19 at 4:46 pm.

29 30 **VII. Business**

31 **A. Commons Front Reader Board**

32 Anderson explained how the condition of the front reader board was deteriorating and how
33 the Facilities Manager has to climb a ladder in dangerous weather to change the tiles. She
34 noted that the Commission revised the sign code to exclude digital signs. Danos stated
35 her husband had a contact that could make a recommendation on an appropriate sign.
36 Anderson asked Commissioners about possibly changing the sign code to allow for a
37 specific type of digital sign. Commissions expressed great disfavor about altering the code
38 they just created. Bloch suggested they first try to find something that is not digital to
39 serve the need. Dickinson also emphasized that additional research be done first.

40 41 **VII. Planner's Report**

42 Mattison indicated he did not have a written report this month. He stated there were two
43 new housing permit requests this month.

44 45 **VIII. Other Business**

46 **A. From the Commission**

Peterson stated the was working on the Natural Hazards Mitigation Plan. He wanted a representative from the Planning Commission to help with the action items at a meeting scheduled for next week. Danos indicated she would attend.

B. From Staff - none

Anderson adjourned the meeting at 4:55 pm.

Helen Anderson, Chair

Date

Minutes prepared by H H Anderson on March 5, 2020.



City of Yachats

YACHATS PLANNING COMMISSION

February 18, 2020depo

Work Session Draft Minutes

Vice-Chair Lance Bloch called the February 18, 2020 work session of the Yachats Planning Commission to order at 1:58 pm in the Room 1 of the Yachats Commons. Members present: Doug Conner, Helen Anderson, Lance Bloch, Jacqueline Danos, Mary Ellen O'Shaughnessey, and Loren Dickinson. Absent: Christine Orchard and Doug Conner. Staff Present: City Planner Dave Mattison. Also present: COG Planner Justin Peterson. Audience: 3.

Commissioner Anderson announced that there was a box on the table by the dais to leave notes for public records and copies can be made if Commissioners want to take notes home. Commissioner Danos indicated she gave her records to Clerk Kimmie Jackson. Commissioner Dickinson clarified that people should write their names on the pages.

Anderson reviewed the conversation with Manager Beaucaire about making requests of the Planner. The requests should be made as a body and not as individuals. Commissioners agreed that they heard the request was to not contact the Planner directly but to go through the meetings or through the chair.

Danos asked to clarify for the record that she did agree with Manager Beaucaire that code enforcement was a seasonal need.

I. Lighting

Bloch explained to the audience that the hearings will not begin until 3:00 pm.

Bloch explained that the draft ordinance is starting place.

Danos suggested adding a per property or per acre lumen limit, e.g., For single family homes on lots larger than, 0.3 acres, total lumens not greater than 5,500; for single family lots less than 0.3 acres, lumens not greater than 3,000 lumens.

Danos suggested limiting bollards to 1,800 lumens on a path or driveway, and to limit heights to 30 inches.

1 Commissioner Dickinson supported not expanding too much in the ordinance. He noted
2 9.42.040.c makes reference to an "Individual Limit" without clarifying what the individual
3 limits were. Dickinson and Danos discussed what should be included in a sight plan.
4 Planner Mattison suggested an area of illumination plan could be required for new
5 developments. Commissioner O'Shaughnessey asked if these plans should only be
6 required for commercial properties. Dickinson explained that commercial building
7 generally requires a lighting plan but that such a plan could be expensive for
8 residences.

9
10 Dickinson noted section 9.42.040.f referred to a "lower level security lighting" which
11 needed a definition.

12
13 Dickinson suggested that the definition of glare be expanded with possible diagrams or
14 photographs. Bloch asked if anyone had a more precise definition of glare. Dickinson
15 suggested looking at examples from other cities.

16
17 Danos stated that the color of lights impacts the perceived brightness and suggested
18 requiring warmer lights in the range of 3,000 Kelvin.

19
20 Danos asked about adding a statement about abandoned properties so that a property
21 must be brought up to code when it is transferred or abandoned. Anderson recalled the
22 Commission discussed this issue when developing the sign code. Commissioners
23 agreed to include this.

24
25 Danos suggested adding a prohibition on high intensity lights. Dickinson speculated
26 that there might be situations where more than a 60-watt bulb was needed, such as for
27 security.

28
29 Bloch noted that the standards can differ between residential versus commercial zones.
30 Dickinson added that multi-family homes might also require different standards. Danos
31 suggested distinguishing between commercial, residential and multi-family.
32 Commissioners decided it was better to refer to usage rather than zones.

33
34 Anderson asked if there should be regulations around parking lighting and suggested
35 they could limit parking light heights. Bloch suggested height is less of a problem if it
36 was properly shielded. Anderson noted there could be reflection. Dickinson noted that
37 a cutoff for trespass lighting would capture this glare or reflection. Bloch asked about a
38 basis for setting a height limit. Commissioners agreed to gather more research on this
39 issue.

40
41 Anderson asked if they should limit lights on poles to parking lots. Dickinson suggested
42 pole lighting could be problematic in residential neighborhoods.

43
44 Bloch noted he added a curfew on marine lighting. Mattison asked if this was a matter
45 for Title 5 rather than Title 9. Commissioners discussed the difference between putting
46 regulations in Title 5 versus 9. Anderson clarified that they Commission did agree to

1 have a curfew based on public input. Bloch believed there was agreement to have a
2 curfew for marine lighting and that commercial lighting would be regulated by hours of
3 operation.

4
5 Commissioners discussed curfew time periods. Anderson suggested curfews be set
6 differently for winter versus summer. Danos suggested there was no need to keep
7 lights on when the sun sets late. Anderson suggested some tourist might keep later
8 hours than locals. Commissioners agreed to curfew start for October through May at
9 10:00 pm and June through September at 11:00 pm.

10
11 Anderson asked how multi-family uses would be regulated differently from single family
12 homes. Danos noted there could be shared parking or more extensive pathways.

13
14 Anderson asked if trespass lighting should be measured 25 feet from the source as
15 indicated in 9.42.040.a or at the property line. Dickinson suggested using 25 feet from
16 the light source or the property line, whichever is more restrictive. Commissioners
17 agreed to use Dickinson's language.

18
19 Anderson asked if diagrams were needed for shielding. Commissioners wanted
20 photographs and diagrams be included. Bloch noted he intended to use all of the
21 images used in the public meeting handout in this section.

22
23 Bloch indicated he would update the document and Anderson indicated she would send
24 out the images before the next meeting.

25
26 Bloch adjourned the work session at 2:58 pm.

27
28
29
30
31
32 _____
Lance Bloch, Vice-Chair

Date

33
34 Minutes prepared by H H Anderson on March 10, 2020.
35

memo



To: Yachats Planning Commission Members
From: Dave Mattison, City Planner *DRM*
Date: May 7, 2020
Re: Feb - May Planning Activities

Building Permits Issued

In February, one (1) permit was submitted to the County and approved by the City for a single-family home at 105 10th Street.

In March, numerous building permits were submitted to the County and approved by the City:

- ✓ a single-family home on Saki Lane (address pending),
- ✓ a converted garage to studio at 583 Aqua Vista Loop Road,
- ✓ a single-family home at 1285 Elk Mountain Road,
- ✓ a manufactured dwelling with garage at East 7th and 101 (address pending),
- ✓ a manufactured dwelling at 375 West Third,
- ✓ a single-family home at 469 Aqua Vista Loop Road,
- ✓ a single-family home at 773 Ocean View Drive,
- ✓ a building addition at 400 Coolidge Lane,
- ✓ a building addition (Mud room) at 259 Marine Drive,
- ✓ interior remodel (doors, windows, siding, subfloors) at 420 West Second Street,
- ✓ a single-family home at 33 Gender Drive, and
- ✓ a single-family home at 968 Horizon Hill Road.

In April, two (2) permits were submitted to the County and approved by the City:

- ✓ a new foundation at 273 Aqua Vista Loop, and
- ✓ a single-family home at 10 Basalt Loop.

In May (up until 5/5), one (1) permit for a single-family home with garage at 943 Horizon Hill Road was submitted to the County and approved by the City:

The City receives an average of 3 building permits per week. *So far this year the total of new single-family homes is fourteen (14) new homes in the City.*

Land Use Applications

A conditional use permit for a 5-bedroom Bed and Breakfast at 610 Lemwick Lane (#1-CU-PC-20) was approved March 17, 2020.

The land use application for the rezoning of the Fire Station (#2-ZC-PC-19) is at its last step and reading of the ordinance before the City Council. The rezone of the property will take effect 30-days after the reading.

An application for a Property Line Adjustment (#1-PLA-20) for properties at 965 King Street (14-12-27-AD-0400) and a vacant lot on 101 North (14-12-27-AD-0401) and was approved after required notices was submitted to adjacent property owners and a 15-day comment period elapsed.

The Planning Commission is currently working on amending the Lighting codes. This will be discussed at the May 19th Meeting.

An application for a partition (#1-PAR-PC-20) at 1750 Hwy 101 North (14-12-23-CC-1500) will be taken before the Planning Commission on May 19th.

An application for a conditional use permit for a 5-bedroom Bed and Breakfast at 453 South Highway 101 (#2-CU-PC-20) has been withdrawn.

Another application for a Property Line Adjustment was submitted between 156 Yachats Ocean Road and 155 Shell Street. It will be handled administratively.

Daily Correspondence and Other Items

New Addresses have been issued for properties with approved building permits, on Horizon Hill (in Blackstone), Ocean View Drive, Saki Lane, Elk Mountain Road, and 7th Street.

A number of calls and email have come in during these three months regarding questions on uses allowed, setback requirements in the City zones and flood information/requirements for a number of properties in the City. Height limits on building fences are big questions (front yard and back yard). The amount of emails and calls received daily has just slowed over the past week due to the COVID-19 Pandemic.

There has been an interest developing for the reuse of the old Landmark Inn property at 111 Hwy 101 (just south of the intersection with Ocean View Drive). Discussion is about reusing the site as a Farm Market for farm to table goods. Nothing has been submitted to the City yet.

I am working on a Planning Commission Virtual Meeting Platform and 10-Step Meeting/Hearing Process.

I am working with Justin Peterson, OCWCOG on an OCMP Technical Assistance grant to update Goal C, Protection of Shoreline Resources, Goal E, Protection from Natural Hazards and Disasters, Goal L, Beaches, of the City Comprehensive Plan, and the corresponding sections of the City's Municipal Codes. We are planning to bring this before Planning Commission and Council in an open

house/workshop format the last week of May (post Memorial Day). The date we have tentatively set for this meeting is Thursday, May 28th. On that date, a morning meeting will take place in a virtual meeting platform (*this means you can wear your pajamas, while attending, and don't even have to leave your house*).

Enjoy!



16 ↑
N

Google Maps





4



PRELIMINARY STAFF REPORT

2-Lot Partition Plat Application #1-PAR-PC-20

OWNER/APPLICANT: Dale A. Erlewine, Aubrey Connor, PO Box 322, Yachats, OR 97498

A. REPORT OF FACTS

1. Applicant's Request: The applicant is requesting to partition the approximately 17,500 square foot lot into two lots. The square footages of the two proposed lots will be approximately 10,000 square feet for the West Lot and approximately 7,500 square feet for the East Lot.
2. Property Location: The subject property is located at 1750 Hwy 101 North, and is further described on the Lincoln County Assessor's Map 14-12-23-CC-01500.



3. Zoning: Residential Zone R-3
4. Plan Designation: Residential.
5. Lot Size and Dimensions: The subject property is approximately 17,500 square feet, 125 ft x 140 ft.

6. Existing Structures: A single-family home is located on the proposed East Lot and an accessory structure is located on the proposed West Lot.
7. Access: The subject property and both lots are accessed by means of a driveway on an access easement that ties onto Highway 101 North.
8. Surrounding Land Use: Commercial and undeveloped lots are located along the highway frontage. Surrounding land uses off of Hwy 101 are primarily single family residential.
9. Existing Utilities: Water and sewer are provided by City of Yachats, Electricity is provided by Central Lincoln PUD.
10. Development Constraints: No development constraints are identified.
11. Submittals: The applicant submitted the application form and fee, and a proposed partition plat that shows the proposed property line, existing house and porch, garage and the existing access and utilities easement.
12. Public Hearing Date: A public hearing will be held before the Planning Commission on April 21, 2018 at 3:00 p.m. in order to consider the applicant's request. Due notice of the meeting was given, and all interested parties were given an opportunity to present testimony. This meeting date was cancelled due to COVID-19 pandemic precautions and emergency orders.
13. Comments Received: No Written comments have been received.

B. EVALUATION OF REQUEST

1. Applicant's Request: The applicant is requesting to partition the approximately 17,500 square foot lot into two lots. The square footages of the two proposed lots will be approximately 10,000 square feet for the proposed West Lot and approximately 7,500 square feet for the proposed East Lot (see attached).
2. Relevant Standards/Criteria (applicable to the request): Relevant Yachats Zoning & Land Use Code criteria are identified by title below and complete descriptions and are herein incorporated into the record.

Yachats Municipal Code Chapter 9.20.040, R-3 Residential Zone Standards

A. Lot Size and Dimensions.

1. Minimum Lot area, six thousand (6,000) square feet for a one-family dwelling; seven thousand five hundred (7,500) square feet for a two-family dwelling; six thousand (6,000) square feet for the first dwelling unit and two thousand five hundred (2,500) square feet for each additional unit in a multifamily dwelling with public water and sewer system. However, the

maximum density in the R-3 zone shall not exceed twelve (12) dwelling units per acre.

3. Minimum Lot width, fifty (50) feet for an interior lot and fifty-five (55) feet for a corner lot when a lot is served by both a public water supply and sewage disposal systems.
5. The minimum lot depth shall be eighty (80) feet.

B. Yards. The minimum yard requirements in the R-3 zone shall be as follows:

1. Front yard shall be a minimum of twenty (20) feet.
2. Each side yard shall be a minimum of either five (5) feet or one foot for each three (3) feet of building height, whichever requirement is greater. Corner side yards shall not be used for clothes lines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
3. The street side yard shall be a minimum of twenty (20) feet.
4. The rear yard shall be a minimum of ten (10) feet, except that on a corner lot it shall be a minimum of either five (5) feet or one foot for each three (3) feet of building height, whichever requirement is the greater.
5. All patio structures and swimming pools shall be a minimum of five (5) feet from any side or rear property line.
6. No structure shall be located closer than sixty (60) feet from the center line of any state highway, nor forty-five (45) feet from the center line of any collector or arterial street.

C. Building Height. No building in a R-3 zone shall exceed a height of thirty (30) feet from finished grade or from natural grade, see Chapter 9.52.180.

D. Lot Coverage. Structures, including, but not limited to buildings, porches and decks shall not occupy more than forty (40) percent of the total lot area.

E. Off-Street Parking. Residential dwellings shall have at least two permanent parking spaces per dwelling unit. Such a parking space, garage or carport shall provide for the ingress and egress of a standard size automobile. Each parking space must be at least twenty (20) feet long and nine feet wide. Regular off-street parking shall not be permitted within the required yards adjacent to a street.

G. Vehicle Access. Ingress or egress to a multifamily dwelling or commercial use shall not be allowed from less than a thirty-five (35) foot right-of-way and a twenty-five (25) foot all-weather travel surface that is accessible to emergency vehicles. In the event that a thirty-five (35) foot right-of-way is not possible, a minimum ten (10) foot easement (five (5) feet on each side of the travel surface) shall be dedicated to the City for utility purposes. Multifamily dwellings, shall not have vehicle access to or from a cul-de-sac.

H. General Criteria. The vehicle and pedestrian access to the site can be safely and efficiently provided and the necessary utility systems and public facilities are

available with sufficient supply and distribution capacity. If not provided by the city, it shall be the responsibility of the developer to insure these standards are met.

Yachats Municipal Code Chapter Section 9.56.020 General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions

- A. Conformity to the Comprehensive Plan. All partitions and subdivisions shall conform with all adopted portions of the comprehensive plan, zoning ordinance and all other adopted plans. Major streets, parkways, parks and recreation areas, community and neighborhood facilities should be placed in approximately the same locations designated by the Comprehensive Plan.
- B. Access. The partitioning and subdividing of land shall provide each lot or parcel, by means of a public or private road or street, satisfactory vehicular access to an existing street.
- C. Relation to Adjoining Street System. A partition or subdivision shall provide for the continuation of the major and secondary streets existing in the adjoining subdivisions or partitions and for their proper projection when the adjoining property is not subdivided. If the Planning Commission adopts a plan for a neighborhood of which the partition or subdivision is a part, the partition or subdivision shall conform to such adopted neighborhood or area plan. If, in the opinion of the Planning Commission, topographic conditions make such continuation or conformity impractical, exceptions may be made.
- D. Easements.
 - 2. A private easement established without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.
- F. Lots and Parcels.
 - 1. Every lot and parcel shall abut on a street and the frontage of each shall not be less than twenty-five (25) feet, unless the Planning Commission grants otherwise.
 - 2. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.
 - 3. Lots or parcels with double frontage shall not be permitted unless, in the opinion of the Planning Commission, an odd shaped tract or existing topography makes such lot or parcel unavoidable.
 - 4. Lot and parcel sizes and dimensions shall conform to the requirements for lot size and area of the zoning classification in which the partition or subdivision is located.
 - 5. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half (2.5) to one. Lots and

parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half (3.5) to one.

- G. Performance Agreement. Performance Agreement means an irrevocable letter of credit, surety bond, or cash guaranteeing the satisfactory completion of a project by a developer.
- H. Water. All lots in partitions or subdivisions shall be served by a public water system. No plat of a partition or subdivision shall be approved unless the city has received and accepted:
 - 1. A certification by the city water Director that water will be available from the nearest point of supply; or
 - 2. A performance agreement, bond contract or other assurance that a water supply system will be installed by or on behalf of the subdivider to every lot or parcel depicted in the proposed partition or subdivision.
- I. Sewer. No plat of a partition or subdivision shall be approved unless the city has received and accepted:
 - 1. A certification by the city sewer Director that sewage service will be available at the nearest point of collection; or
 - 2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner or subdivider to the boundary line of each and every lot or parcel depicted in the proposed partition or subdivision;
 - 3. Where no sewerage service is available, the Department of Environmental Quality or county health department shall approve the proposed method of sewage disposal adequate to support the proposed use of the land for the partition or subdivision. A statement that no sewerage service is available and that the proposed method of sewage has been approved will be provided to the purchaser of each lot or parcel in the proposed partition or subdivision. A copy of any such statement signed by the partitioner or subdivider and endorsed by the planning commission chair shall be filed by the partitioner or subdivider with the real estate commissioner.

Yachats Municipal Code Chapter Section 9.56.040 Partition Procedure for Dividing Land.

- D. Submitting the Plat. Within one year after the approval of the preliminary plan becomes effective, a partition plat shall be submitted to the planning commission for approval which is in substantial conformity to the approved preliminary plan and conditions of approval.

The partition plat shall be prepared by a professional land surveyor who is licensed in the state of Oregon, and shall conform to the surveying requirements in ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards. In addition to the information as required on the preliminary plan, and the information required by ORS 92, the following information shall be provided:

1. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than thirty (30) days prior to the date that the partition plat is submitted for final approval. Such report shall also identify all easements of record;
2. The deed dedicating to the public all common improvements, including but not limited to streets and roads, the donation of which was made a condition of approval of the preliminary plan for the partition;
3. A copy of all protective deed restrictions proposed;
4. The certification, performance agreement, bond, contract or other assurances regarding the availability or installation of water and sewer services as provided in Section 9.56.020;
5. The location of the approved site for the septic system if applicable.

Yachats Municipal Code Chapter 9.56.64 Street Construction and Design, Section 9.64.020 Private Streets

A. General Requirements.

1. Private streets shall provide access only to abutting lots. No street providing access to other streets or to areas not abutting such streets shall be approved as private streets.
2. At such time as a preliminary plan is proposed which includes private streets, all adjacent property owners shall be notified of such proposal and the time and place of the planning commission hearing.
3. A private road shall be approved provided:
 - a. The planning commission is satisfied that such street is not presently needed as a public road;
 - b. It will never be extended through to adjacent property;
 - c. It will not be utilized for public road purposes in the normal growth area.
4. Modification of private street requirements and/or standards shall be approved only:
 - a. For street creation in areas where because of topographical or geological conditions full compliance or strict adherence to the standards and requirements would prevent reasonable access to the area; or
 - b. For access created to not more than three lots.
5. Yard setbacks shall be determined from the road right-of-way or access easement line in instances where private roads are considered.

B. Standards for Private Streets.

1. Private road right-of-way may be approved of less than fifty (50) feet in width except that the right-of-way width shall not be less than ten percent of the road length and in no instance shall the road right-of-way be less than thirty (30) feet except that a private road to two lots may be twenty (20) feet in width. In all instances where the road access is less than fifty (50) feet in width a ten foot utility easement on each side of the road right-of-way or easement shall be provided.

2. Improvements on private roads shall be the same as those for public roads providing access to similar development, and shall adhere to all provisions of Chapter 7.04.
3. **Public Testimony:** At the time this staff report was prepared, no written testimony had been submitted.

C. STAFF ANALYSIS & FINDINGS

1. **R-3 Standards.** The following table identifies the applicable R-3 standards and the proposed 2-lot partition.

Standard	Minimum Requirement	Proposed West Lot (vacant parcel)	Proposed East Lot (existing two-family dwelling)
Lot Size	6,000 sq. ft. (1 dwelling) 7,500 sq. ft. (2 dwellings)	10,000 sq. ft.	7,500 sq. ft.
Lot Width at front bldg. line	50 ft. for interior lot 55 ft. for corner lot	60 ft.	80 ft.
Avg. Lot Depth	80 ft.	125 ft.	125 ft.
Front Yard	Min. 20'	20 ft (from easement line)	50 ft (from access easement line)
Rear Yard	Min 10'	75 ft	22 ft
Side Yard	Min 5'	40 ft/10 ft	23 ft/10 ft
Building Height	Max 30'		
Lot Coverage	40%	10%	21%
Parking Spaces	2	2	2

The table demonstrates the two proposed parcels meet the minimum R-3 standards.

2. **Partitions. General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions**
 - a. **Conforms with Comprehensive Plan.** The two proposed lots conform to the goals and policies of the Comprehensive Plan.
 - b. **Access.** Both parcels are proposed to be accessed from the south side via an existing easement (private street). The existing easement is 25 feet wide on the southern side of the subject property. The easement will be required to be widened to 30 feet since the driveway/easement is utilized by three lots (Tax Lots 1500 (to be partitioned to two (2) lots and 1600). Both proposed lots shall have access and utility easements on the easement.
 - c. **Relation to Adjoining Street System.** The existing private street extends off of Highway 101 North.
 - d. **Easements.** As described in 'b. Access' above, there is an existing 25' wide access and utility easements. The easement will need to be widened for adequate width for legal access and utility connections to each lot. Access from the private street into

each lot may be at the existing driveway locations. Assuming the existing driveway is maintained and used by both properties, easements will be required for each lot.

e. **Public Access Ways.** Public access ways are not necessary.

f. **Lots and Parcels.** Both proposed lots exceed the minimum frontage required on a private street. The proposed property line is parallel to the private street and perpendicular to Highway 101 North. No double frontage lots are proposed. Lot sizes and dimensions conform to R-3 standards.

The proposed lots are less than 25,000 square feet and therefore must not exceed a 3.50:1 lot depth-to-width ratio. The proposed West Lot has an approximate lot depth-to-width ratio of 1.56:1. The proposed East Lot has an approximate lot depth-to-width ratio of 2.08:1.

g. **Performance Agreement, Bond Contract or Other Assurance of Improvements.** No improvements (street or utility improvements) are proposed at this time therefore no performance agreement is necessary.

3. **Private Streets Standards.** Private road right-of-way may be approved of less than fifty (50) feet in width except that the right-of-way width shall not be less than ten percent of the road length and in no instance shall the road right-of-way be less than thirty (30) feet.

The private street is approximately 140 feet long. The private street is 25 feet wide. The private street width is not less than 10% of the road length (14 feet), however, must be extended to 30 feet wide.

D. CONCLUSIONS

If this 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. Within one year after the approval of this preliminary plan becomes effective, a partition plat shall be submitted to the City Planner for approval which is in substantial conformity to the approved proposed partition plat and conditions of approval. Any substantial change to the approved preliminary plan shall require a new application.

The partition plat shall be prepared by a professional land surveyor who is licensed in the state of Oregon, and shall conform to the surveying requirements in ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards.

2. Both parcels shall have an access and utility easement recorded along the southerly boundary of the adjacent lot to the east. The recorded easement shall be a width of 30 feet as required by City code. The easements shall be shown on the partition plat.

3. If access into either parcel requires encroachment on the other parcel, an easement(s) shall be established and shown on the partition plat.

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4. A copy of a filed survey of the Partition Plat in accordance with ORS 92.080 and the Lincoln County Surveyor's requirements which is in substantial conformance with the tentative approval shall be submitted to the City. The survey shall identify the any easements for access and utilities.
5. Copies of recorded conveyances conforming to the approved partition plat and containing the proper acknowledgment shall be submitted to the City.
6. This tentative approval is valid for a period of one (1) year. Time extensions are not allowed.

Submitted by:

Dave Mattison
City Planner

Enclosures:

Vicinity Map,
Applicant's Proposed Partition Plat