

1. 2:00 P.M. Agenda

Documents:

[2021-06-15 Planning Commission Agenda.pdf](#)

1.I. Public Hearing Documents

Documents:

[Roslund CUP Application.pdf](#)
[Staff_Report_Roslund-6-15-21.Pdf](#)

1.II. Public Hearing Correspondence

[Cimon---Comments-To-Conditional-Use--Request-At-1881-Hwy-101-Yachats-OR](#)
[2021-04-RV-Park-Response---Danos](#)
[2021-06-Marshall-Corresp-Forconditional-Use-Permit-For-Fireside_Overleaf-Lodge](#)
[2021-06-Morrill-Corrsp](#)

Documents:

[Fireside Aerial.pdf](#)

2. Meeting Materials

Documents:

[Study-06-15-21-FencesWallsHedges-LAD.pdf](#)
[JGD Recommended Wording For Code Revision .Pdf](#)
[Draft JGD Code Changes Fences.pdf](#)
[Fence Height.pdf](#)
[A BASIC OUTLINE Lake Oswego.pdf](#)
[Bend, Oregon.pdf](#)
[Future Tasks.pdf](#)
[Building Activity 6-14-21.Pdf](#)
[JGD 20212022 Planning Priorities.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Yachats OR
Tuesday June 15, 2021, at 2:00 pm
Public Meeting via ZOOM Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/83635844124>

Meeting ID: 836 3584 4124

One tap mobile

+12532158782,,83635844124# US (Tacoma)

+13462487799,,83635844124# 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 (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 836 3584 4124

Find your local number: <https://us02web.zoom.us/u/kcsCGYNmt6>

Work Session

- I. Discussion of Fences, Hedges and Walls Code Changes
- II. Other Business
 - A. The Commission
 - B. The Staff

Public Hearing

- I. Applicant: Grand Pacific LLC by Drew Roslund
Workamper at the Fireside Hotel

Regular Meeting

- I. Call to Order
- II. Announcements and Correspondence: Laura Buhl Workshop
- III. Citizen Concerns
- IV. New Business
 1. None

This meeting is open to the public and all interested persons are invited to attend the ZOOM Meetings. 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. The minutes of this meeting is the Audio Tape which will added to the packet after the meeting within 24 hours. 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; 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 06/04/2021

V. Old Business

1. Fences, Hedges & Walls - Discussion or VOTE
2. Review next tasks to work on

VI. Planner Report

VII. Other Business

1. From the Commission
2. From Staff

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Land Use Application

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

Fee:
Date Received: _____



PAID

ck # 2271

05/13/21

☒ Conditional Use \$250 ☐ Nonconforming Use \$250 ☐ Variance \$250
☐ Zone Change \$500 ☐ Comprehensive Plan Change \$500
☐ Urban Growth Boundary Change \$1000

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

Applicant: GRAND PACIFIC LLC BY: 541 DREW ROSLUND Phone: () 815-6045

Address: 320 SW CENTURY DRIVE, STE 405-401

City: BEAO State: OR Zip: 97702

Relationship to property: OWNER
(Owner, Contract Purchaser, etc.)

Legal Description: TL 3101-14-12-22 DD Current Zone: R4

Lot Dimensions: 488' x 178' x 451' x 175' Area: 1.89 AC Flood Zone: NO

Natural Hazard: NONE Topography: FLAT 2% DOWNHILL FROM EAST TO WEST

Directions to Property: 1881 HIGHWAY 101 NORTH - SOUTH OF FIRESIDE DRIVEWAY

Previous Planning Actions on Property: NONE. PRIOR TO 2000 THERE

WAS ONE SINGLE FAMILY RESIDENTIAL HOME ON THE PROPERTY

Reason for Request:

Existing Structures on Property:

SEE ATTACHED
NARRATIVE

Proposed Use and Structures:

Current Utilities and Providers:

Anticipated Date of Development:

Land Use Application

Supplemental Required Information

Attachments to Application (check all that apply)

- ☒ Plot Plan of subject property showing all property lines
- ☒ Existing and proposed structures and their location in relationship to property lines
- ☒ Total floor area, use and height of all existing and proposed uses
- ☒ Operating characteristics of all proposed commercial use
- ☒ Location, extent, arrangement, and proposed improvements of all off-street parking and loading facilities.
- ☒ Location of access to adjacent arterial or collector
- ☐ State or County Road Approach Permit *N/A*
- ☐ Narrative which address applicable ordinance standards (required for all land use actions)
- ☐ Other: _____

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



Signature of Applicant

Signature of Property Owner (if other than applicant)

Grand Pacific, LLC
320 SW Century Drive STE 405-401
Bend, OR 97702
Cell 541-815-0045 Fax 541-330-1660
drew@overleaf lodge.com

May 10, 2021

Narrative and additional Information

Grand Pacific LLC – RV parking spaces
City of Yachats Land Use Application
Conditional Use

Reason For Request:

The purpose for this request is to temporarily provide up to 5 Recreational Vehicle (RV) parking spaces to be used solely for workforce housing for employees of the Overleaf Lodge and Fireside Motel. We are experiencing a severe shortage of workers in the Yachats area and are forced to remove a portion of our room inventory because we do not have sufficient staff to serve our guest demand. The significant reason for this is a lack of workforce housing.

Thousands of people travel throughout the United States in their RV's looking for a businesses to work. Part of their compensation is the complimentary use of an RV parking spot where they connect to utilities. The most popular website where RV'ers and employers solicit for such a working relationship is workamper.com.

We want to utilize up to five RV parking spots on Grand Pacific LLC (Overleaf Lodge) property to provide workers for our hotels. This is a temporary solution to our workforce recruiting problems. Once we and the community find a solution for the Yachats area workforce housing or otherwise do not need to provide RV parking spots for workers, we plan to no longer use these RV parking spots.

Benefits of enhancing our workforce by utilizing RV travelers:

- Our businesses are able to more fully use our facilities to meet the demand of the traveling public looking for overnight accommodations. We are able to better operate our business and maximize our revenue.
- Relieve the stress of our current local staff who are currently overworked.
- Provide more transient rental tax revenue to the City of Yachats.
- Increase profits which will increase our State and Federal tax payments.

Existing structures on Property: There are no existing structures on tax lot 3101, nor on adjacent Grand Pacific tax lots 3201 and 3300.

Proposed Use and Structures: As stated above, we plan to provide up to 5 RV parking spots for traveling workers. There are no planned permanent structures.

Current Utilities and providers: We plan to provide water and sewer (City of Yachats) and electrical (Central Lincoln PUD) to each RV parking space.

Anticipated Date of Development: Immediately (Summer 2021) upon approval of the Conditional Use Permit.

List of plans provided:

- Plot Plan For RV Parking Spots – Exhibit A – Showing tax lots and RV parking spots in relationship to the Fireside Motel and adjacent tax lots. Highway 101 is shown as is the Fireside Motel driveway. Scale: 1"=100'
- Detailed Plot Plan showing RV Parking spots and 35' x 65' area reserved for private use of the RV camper. Also shown is the location for sewer, water and electrical connection. Parking spots A – E are shown. The driveway access and maneuvering area are also shown. Trees are shown. Scale 1"=40'
- Utility and Lighting plan – Exhibit C Scale 1"=40'
 - Water service will be provided either by the 2" Fireside Motel water line that runs east-west down the south side of the Fireside Driveway or from the single family residential water service that is still active that formerly provided service to a home that was moved from this property 20+ years ago.
 - Sanitary Sewer service will be provided through the manhole shown east of the proposed driveway into the RV parking areas.
 - Electrical service will be provided from the power pole on the west side of Highway 101 at the north side of the intersection with the Fireside Motel driveway. The power will be run west along the north side of the Fireside driveway and then under the driveway in the vicinity of the proposed new driveway.
 - Lighting – an area light will be placed in the general vicinity shown on the plan. This light will meet the new 'dark sky' standards passed by the City of Yachats.
- Typical RV Back-In Site – Exhibit D – this details the size of each site, where the sewer, water and electrical service will be provided and the general private use area for each RV temporary worker. Scale 1"=10'
- Drainage Plan – Exhibit E – This details the current drainage for the property which will be maintained. Very little concentration of water will be created by the graveled areas and water will be directed away from each parking spot. Any pooling that is created will be directed into the existing drainage pipe located on the north side of tax lot 3101.

Additional Notes to Site and Development plans – Exhibits A-E above

- Recreational and Common areas – The RV workers will have access to the same exterior recreation and common areas as do the workers and guests of the Overleaf Lodge and Fireside Motel. The RV workers will not have access to the Overleaf Spa.
- Landscaping – Except for the cleared areas for the driveway, maneuvering area and parking spots, all vegetation and landscaping will be kept in place and maintained as it currently is.

Narrative addressing applicable Ordinance Standards for R-4 Zone:

The zone of TL 3101 is R-4. Within R-4 a Manufactured dwelling park is defined as a conditional use. This proposed use appears to meet the definitions of a Manufactured Dwelling Park and the proposed RV's meet the definition of a manufactured dwelling per Section 9.04.030 of Title 9 of the Yachats Zoning and Land Use Municipal Code.

The tax lot where this is located is approximately 175 feet wide (north to south) and an average of 470 feet wide (east to west) which exceeds the R-4 minimum lot dimensions and minimum lot area.

There are no Hazard areas in this lot.

All 'Yard' requirements are met.

Building height – No buildings are proposed.

Lot Coverage – no buildings are proposed so lot coverage requirements are met.

Off-street parking – Parking area for the RV and an additional extra parking spot are provided on each RV plot.

Separation between buildings – Required separation between parked RV will be maintained for fire protection and privacy.

Vehicle access will be provided so that an RV can adequately maneuver to each parking spot. The driveway, maneuvering area and parking spots will be graveled.

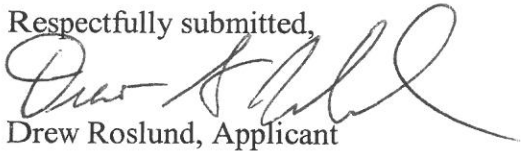
Utilities will be provided as noted above.

Narrative addressing applicable Ordinance standards for Section 9.68.030 – Manufactured dwelling parks:

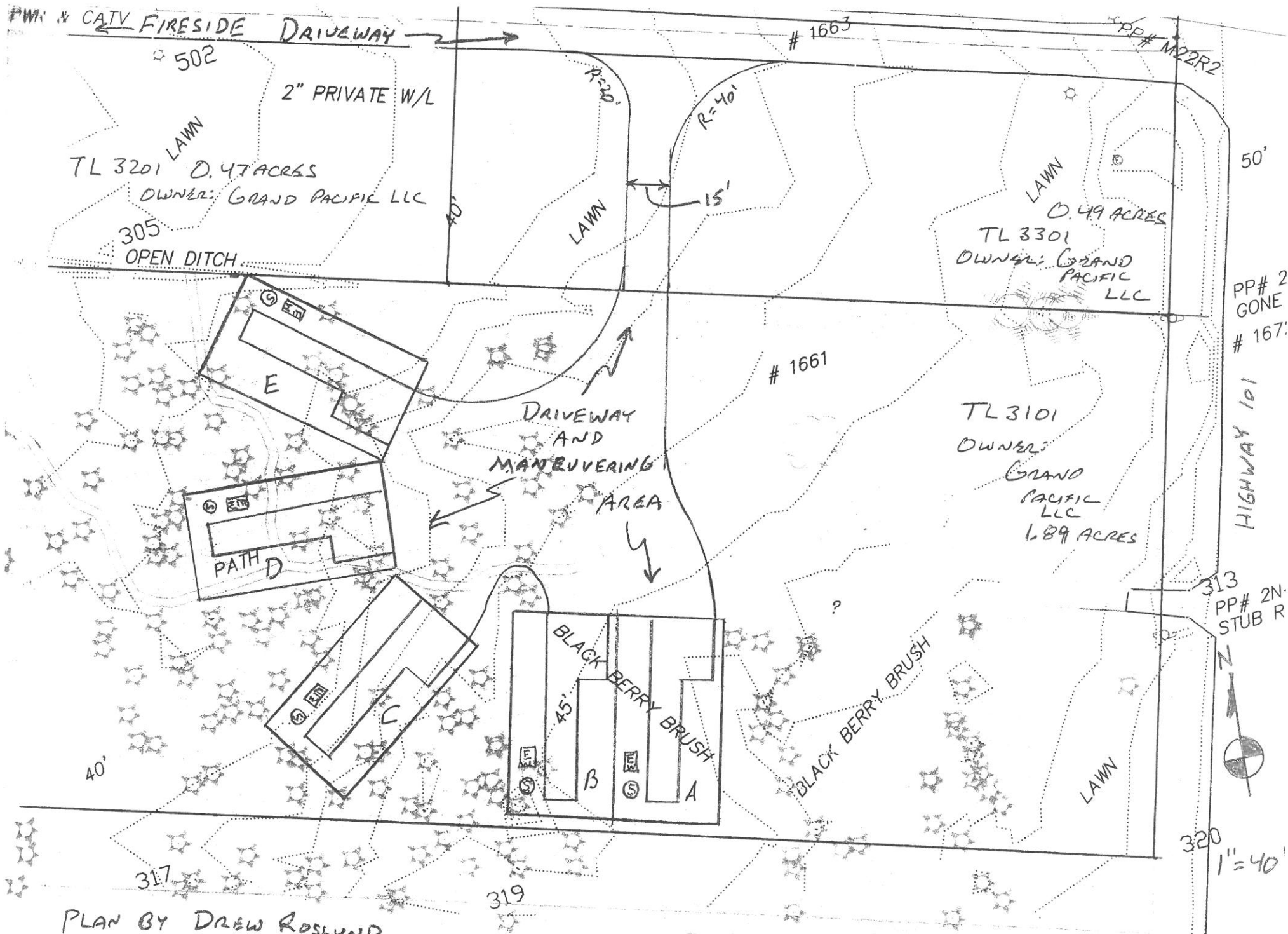
(Note that many of the requirements within this section have already been addressed on the plot/site plans or in the Narrative above)

- Permitted in an R-4 zone
- Public utilities will be underground
- There will be fewer than 12 units per acre
- Minimum size of the park is two acres. While tax lot 3101 is 1.89 acres and does not quite meet this standard, there are two other tax lots, 3201 and 3300 that are immediately adjacent too adjacent to and north of tax lot 3101. See Exhibit A. If we must, either or both of these two adjacent tax lots can be added to this application. Both of these are owned by Grand Pacific LLC.
- Pedestrian walkways will be available around each RV parking spot and RV workers will be able to access all parts of the Fireside and Overleaf properties the same way that guests and staff currently do.
- As mentioned above, all landscaping will remain in place except for that needed to be removed for clearing the parking spots, drive way, maneuvering area and utilities.
- All RV's will meet the setbacks as identified in the ordinance.
- All RV parking spots will be at least 15 feet away from other RV parking spots.
- Two off street parking spots are at each dwelling site which includes the parking spot for the RV.

Respectfully submitted,



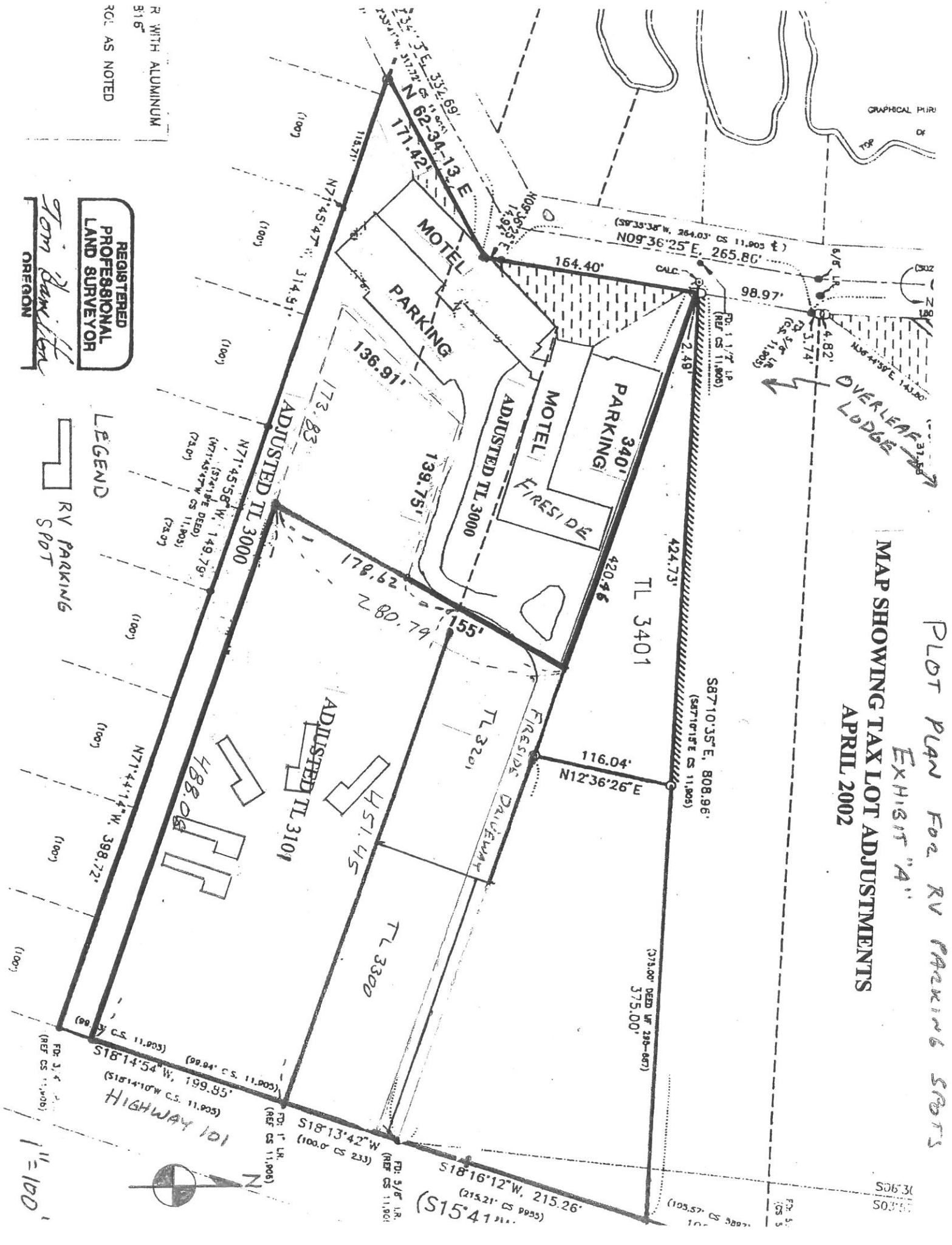
Drew Roslund, Applicant



PLAN BY DREW ROSLUND

N 71°44'29" W 398.75' DETAILED PLOT PLAN
EXHIBIT "B"

PLOT PLAN FOR RV PARKING SPOTS
 EXHIBIT "A"
 MAP SHOWING TAX LOT ADJUSTMENTS
 APRIL 2002





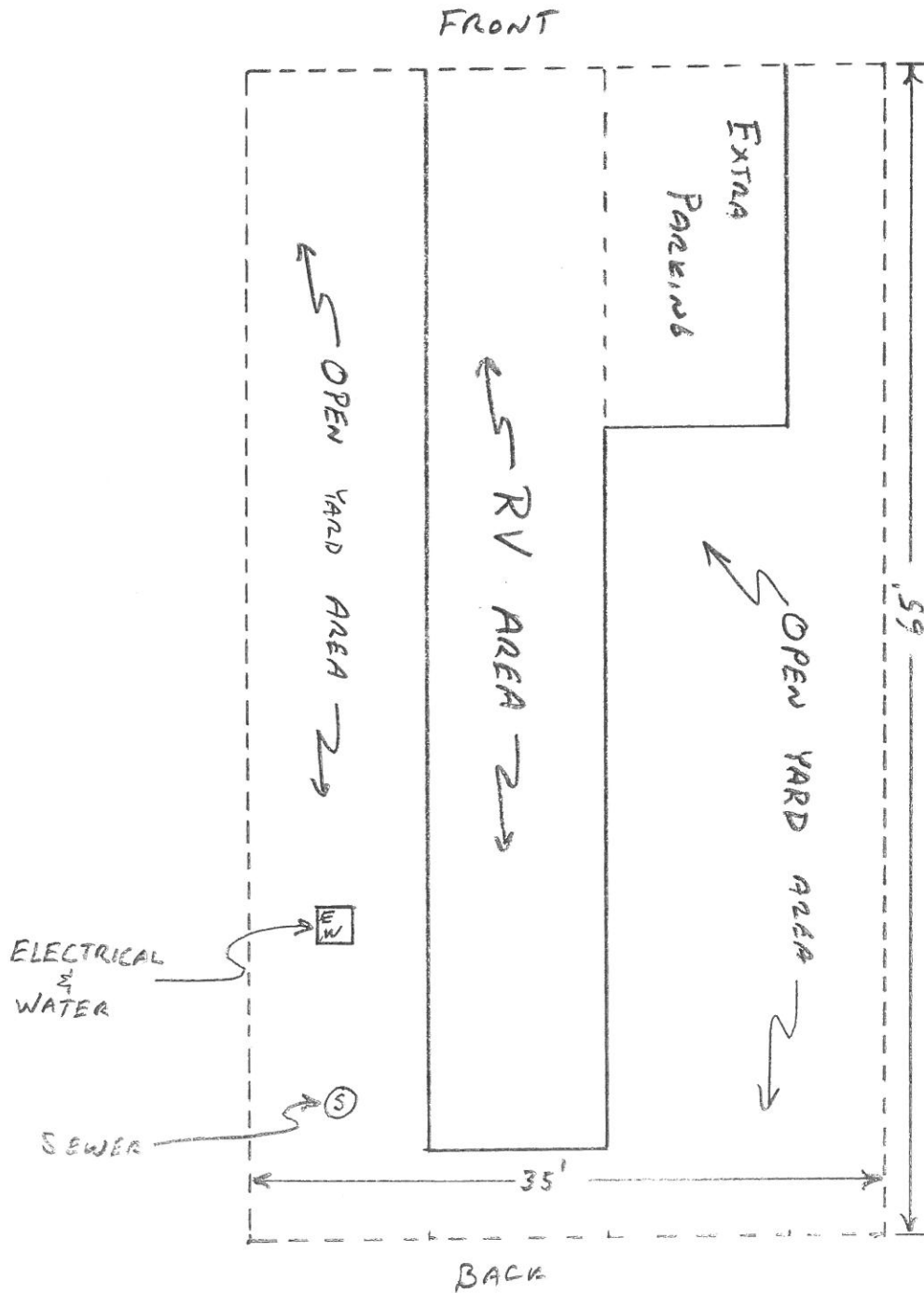
PLAN BY DREW ROSLUND

N 71°44'29" W 398.75'

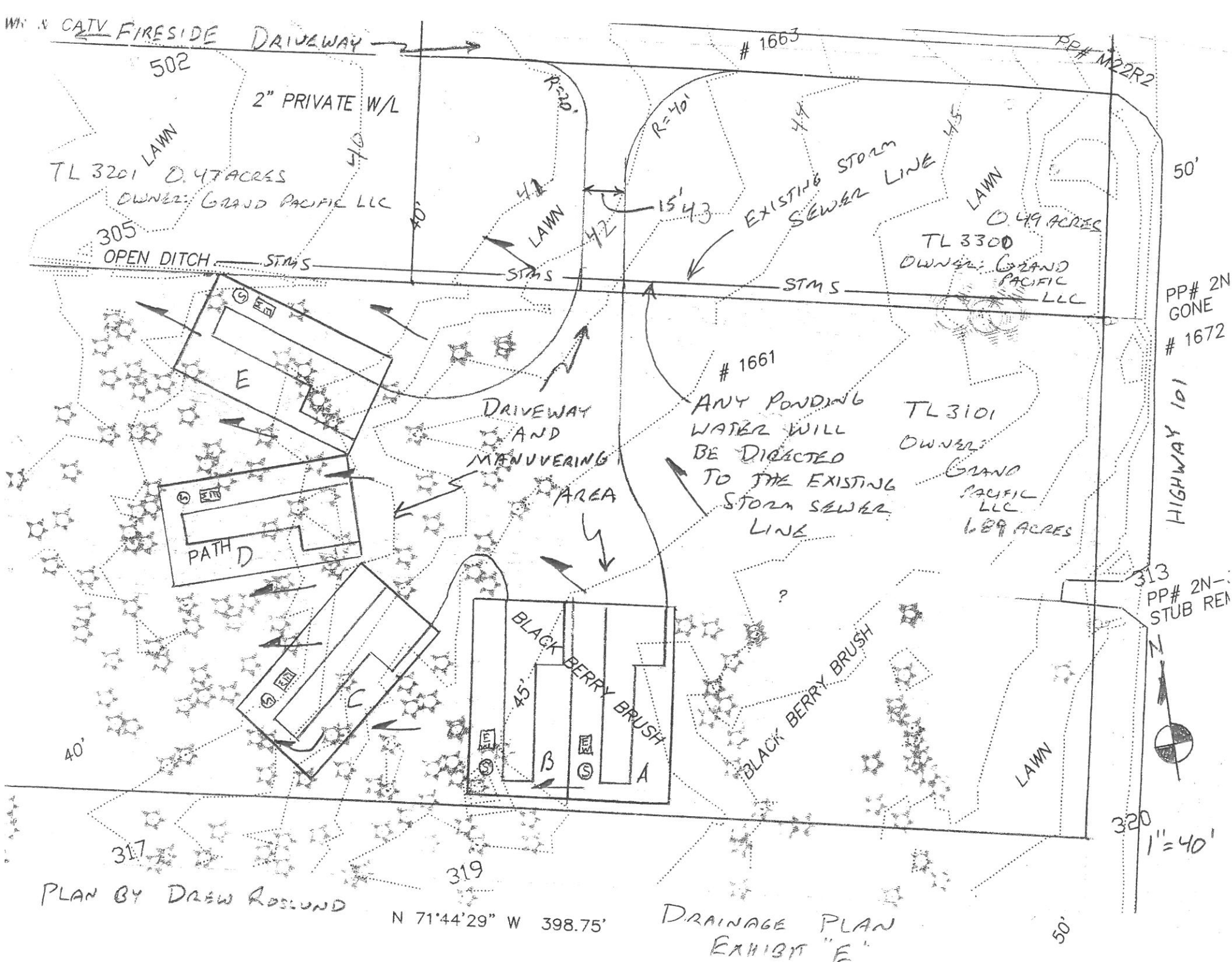
UTILITY AND LIGHTING PLAN
EXHIBIT 'C'

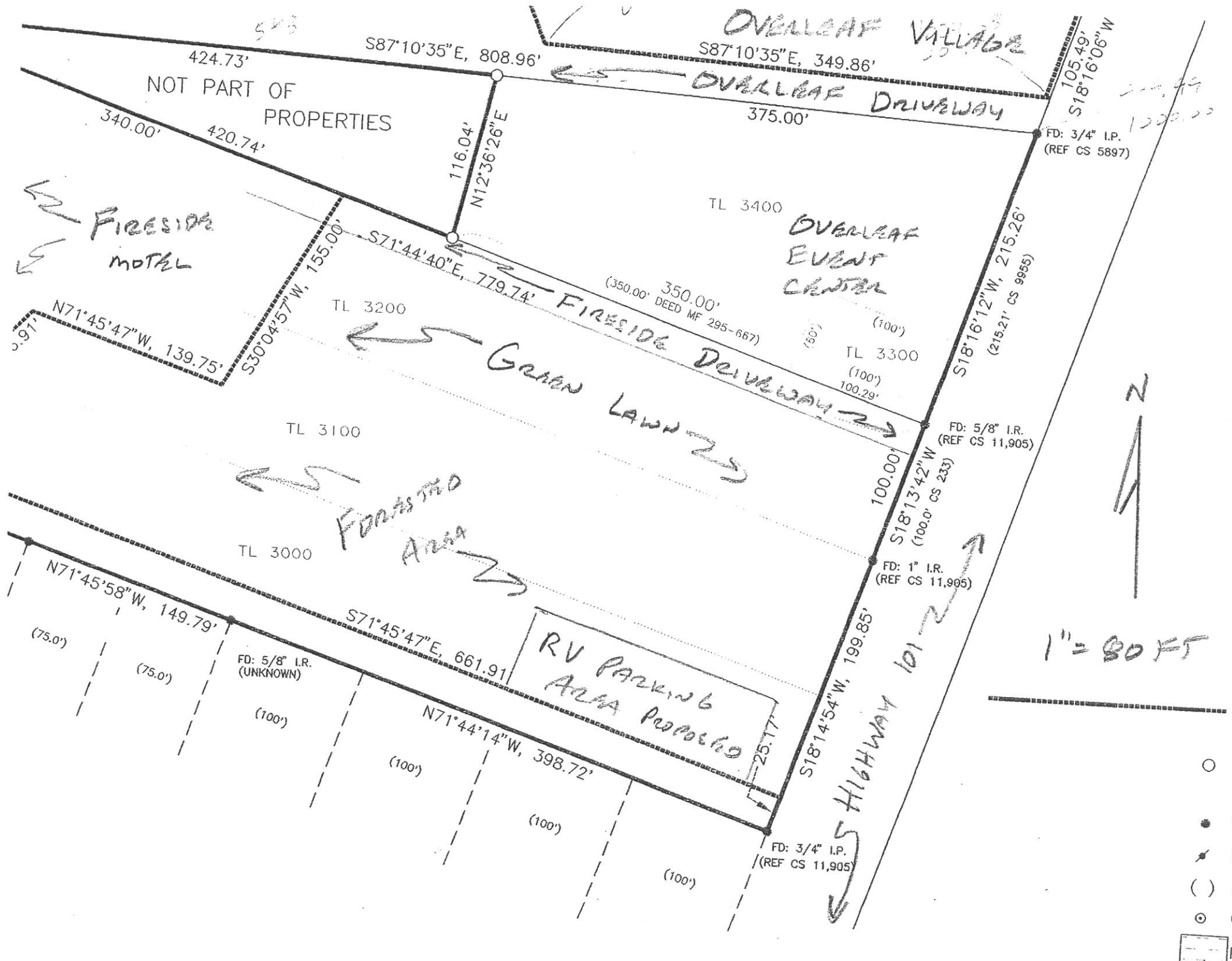
50'

TYPICAL RV BACK-IN SITE
EXHIBIT "D"



1" = 10'





Case File: #1-CU-PC-21
Date Filed: May 13, 2021
Date Application Deemed Complete: May 14, 2021
120-Day Completion Date: Sept. 11, 2021
Hearing Date: June 15, 2021
Previous Action: None

STAFF REPORT

Conditional Use Application

APPLICANT: Drew Roslund for Grand Pacific LLC

A. REPORT OF FACTS

1. **Property Location:** The subject property is located at 1881 Highway 101 N and described on the Lincoln County Assessor's Map 14-12-22-DD as Tax Lot 3101.
2. **Applicant's Request:** The applicant is requesting a conditional use permit for a recreational vehicle park of no more than 5 spaces for the temporary housing of employees of the Fireside Motel and the Overleaf Lodge.
3. **Zoning:** Residential Zone R-4
4. **Plan Designation:** Multi-family Residential
5. **Lot Size and Dimensions:** The subject property totals 1.89 acres (or 82,328 square feet) with approximate dimensions of 175 x 470 feet.
6. **Existing Structures:** None.
7. **Topography and Vegetation:** The subject site is relatively flat with a 2% downward slope from east to west. The property is landscaped with grass, shrubs and mature trees.
8. **Surrounding Land Use:** Surrounding land uses consist of primarily single-family residential use to the south, the Fireside Motel and Overleaf Lodge to the west, Overleaf Village (a single-family residential PUD) to the north and Sea Aire Assisted Living facility to the east.
9. **Utilities:**
Water & Sewer: City of Yachats
Electricity: Central Lincoln PUD
10. **Development Constraints:** None.

B. EVALUATION OF REQUEST

1. **Applicant's Proposal:** The applicant submitted the required application form and fee, a narrative addressing applicable ordinance standards and the proposed use for the site, and several site plans.
2. **Relevant Yachats Municipal Code (YMC) Criteria:**

YMC Chapter 9.04.030 Definitions

“Manufactured dwelling” does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

“Manufactured dwelling park” means any place where four (4) or more manufactured dwellings as defined in ORS 446.003 are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City under an ordinance adopted pursuant to ORS 92.010 to 92.190.

“Manufactured dwelling space” means a plot of ground within a manufactured dwelling park that is designed for the accommodation of one manufactured dwelling.

“Recreational vehicle” means a vacation trailer or other unit with or without motive power, which is designed for human occupancy and to be used temporarily for recreational or emergency purposes, and has a gross floor space of less than four hundred (400) square feet. “Recreational vehicle” includes camping trailers, camping vehicles, motor homes, park trailers, bus conversions, van conversions, tent trailers, travel trailers, truck campers and any vehicle converted for use or partial use as a recreational vehicle. The unit shall be identified as a recreational vehicle by the manufacturer.

“Recreational vehicle park” means a lot or tract where the primary land use is the parking on a fee or other basis of occupied recreational vehicles.

“Recreational vehicle site” means the area or place used for parking occupied recreational vehicles, and may include sewer, water, gas or electrical hookups. Places to store unoccupied recreational vehicles are not considered to be recreational vehicle sites.

YMC Chapter 9.24 R-4 Residential Zone

9.24.030 Conditional Uses

D. Manufactured dwelling park, subdivision and P.U.D;

N. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or zones than the buildings and uses

specifically listed, provided that retail sales uses, unless specifically listed, shall only be incidental and directly related to the operation of permitted uses;

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.

- C. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use or a nonconforming use, a change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.
- D. The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond of up to the value of the cost of the improvement to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission. (Ord. 175, 1995; Ord. 73E § 10.010, 1992)

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.

This section contains no specific standards for manufactured dwelling or recreational vehicle parks.

YMC Chapter 9.68.030 Manufactured dwelling parks

A. Compliance Required. No land within the City shall be developed for use as a manufactured dwelling park and no plan for such park shall be filed or recorded until submitted to and approved by the Planning Commission.

- B. Permitted Locations:
 - 1. Residential zone R-3;
 - 2. Residential zone R-4;
 - 3. Commercial zone C-1.

Applicant Response: The subject property is zoned R-4.

C. Standards for Manufactured Dwelling Parks. Manufactured dwelling parks may be permitted provided they meet the requirements of Chapter 446, Oregon Revised Statutes, and the standards of the Oregon State Board of Health. In addition, the following standards shall apply:

- 1. Public utilities underground;

Applicant Response: Public utilities will be underground.

- 2. Maximum of twelve (12) manufactured dwellings per acre;

Applicant Response: There will be fewer than 12 units per acre.

Staff Response: 2.65 units per acre are proposed.

- 3. Minimum size of park, two (2) acres excluding street rights-of-way;

Applicant Response: While tax lot 3101 is 1.89 acres and does not quite meet this standard, there are two other tax lots, 3201 and 3300 that are immediately adjacent to and north of tax lot 3101. See Exhibit A. If we must, either or both

of these two adjacent tax lots can be added to this application. Both of these are owned by Grand Pacific LLC.

4. A minimum of two thousand five hundred (2,500) square feet per manufactured dwelling space;

Staff Response: *16, 465 square feet per unit is proposed.*

5. Setbacks and lot coverage must comply with the zone in which it is located;

Applicant Response: *All RV's will meet the setbacks as identified in the ordinance. No buildings are proposed so lot coverage requirements are met.*

Staff Response: *The detailed plot plan (Exhibit B) shows 5 RV sites at 35'x65' each. Each site meets or exceeds front, rear and side yard setbacks required in the R-4 zone. The R-4 zone allows for 45% lot coverage. On a 1.89 acre lot, allowable lot coverage is approximately 37,000 square feet. Total footprint of all 5 sites proposed is 11,375 square feet.*

6. Each access road connecting with a public street shall have a surface width of at least thirty-six (36) feet and all other access roads shall have a surface width of at least twenty (20) feet. All access roads and parking areas and walkways shall be surfaced to minimum city road standards and be well drained;

Applicant Response: *The driveway, maneuvering area and parking spots will be graveled.*

Staff Response: *The only proposed access road connecting with a public street is the existing driveway for the Fireside Motel which meets both width and surfacing requirements. The private access road connecting the paved drive to the RV sites is shown on Exhibit B as 15' in width. A gravel surface is acceptable by City standards.*

7. Pedestrian walkways shall be separated from vehicular ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. They shall be all-weather surfaced at least three (3) feet wide;

Applicant Response: *Pedestrian walkways will be available around each RV parking spot and RV workers will be able to access all parts of the Fireside and Overleaf properties the same way that guests and staff currently do.*

8. Developed recreation area shall be provided which contains a minimum of two thousand five hundred (2,500) square feet or two hundred (200) square feet per manufactured dwelling space, whichever requirement is the greater;

9. All areas not used for manufactured dwelling spaces, motor vehicle parking, traffic circulation, or service or community buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition. There shall be landscaping within the front and side setback area, and in all open areas of the manufactured dwelling park not otherwise used for manufactured dwelling park purposes;

Applicant Response: *All landscaping will remain in place except for that*

needed to be removed for clearing the parking spots, driveway, maneuvering area and utilities.

10. All manufactured dwellings shall be located at least twenty (20) feet from the property boundary line abutting upon a public street or highway, sixty (60) feet from the center line of a state highway and at least ten (10) feet from the other boundary lines, except that when a sound deadening fireproof barrier, such as an earthen berm or brick wall is provided, the Planning Commission may allow the ten-foot setback to be reduced to five (5) feet;

Staff Response: See C(5) above.

11. Manufactured dwellings shall not be located closer than fifteen (15) feet from any other manufactured dwelling or permanent building within the manufactured dwelling park, nor closer than ten (10) feet to any park or roadway. Manufactured dwelling accessory buildings, when not attached to the manufactured dwelling, shall not be closer than six feet from any manufactured dwelling or structure;

Applicant Response: All RV parking spots will be at least 15 feet away from other RV parking spots.

12. Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the unit for setback purposes;

13. Manufactured dwellings shall conform to foundation and tie-down standards as set forth in Section 9.68.010;

Staff Response: Not applicable

14. Two (2) off-street parking spaces shall be provided at each manufactured dwelling site;

Applicant Response: Two off street parking spots are at each dwelling site which includes the parking spot for the RV.

15. Buffering or screening, if required by the Planning Commission, shall be sight obscuring fence, wall, evergreen or other suitable planting at least six feet high, or higher;

16. A minimum of fifty (50) percent of the manufactured dwelling park spaces must be available for occupancy before the first occupancy is permitted.

D. Site and Development Plan.

Staff Response: All satisfied by the application including (j) lighting and (r) drainage plan.

1. All applications submitted for approval of a manufactured dwelling park development shall consist of four (4) copies of a development plan. Such plan shall be submitted at least six days before the meeting at which they will be reviewed and shall contain but not be limited to the following information:

- a. Name of person who prepared the plan;
- b. Name(s) of persons owning and/or controlling the land proposed for a park;
- c. Name of manufactured dwelling park and address;

#1-CU-PC-21 Roslund
June 15, 2021 Planning Commission Hearing

- d. Scale and north point of the plan;
 - e. Boundaries and dimensions of the manufactured dwelling park;
 - f. Vicinity map showing relationship of manufactured dwelling park to adjacent properties and surrounding zoning;
 - g. Location and dimensions of each manufactured dwelling site, with each site designated by number, letter or name;
 - h. Location and dimensions of each existing or proposed building;
 - i. Location and width of manufactured dwelling park streets and pedestrian ways;
 - j. Location of each lighting fixture for lighting the park;
 - k. Location of recreational areas and buildings and common area;
 - l. Location and type of landscaping plantings, fences, walls or combination of any of these, or other screening materials;
 - m. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities;
 - n. Location of available fire hydrants;
 - o. Enlarged plot plan of a typical manufactured dwelling space showing location of the stand, storage, space, parking, sidewalk, utility connections and landscaping;
 - p. The plan shall indicate positions of the manufactured dwellings so that the Planning Commission may determine entrances, setbacks, etc.;
 - q. The plan shall show the topography of the park site with contour intervals of not more than five (5) feet, except that the building official or planning director may require closer contour intervals;
 - r. A drainage plan.
2. At the time of application to construct a new manufactured dwelling park, the applicant shall submit, in addition to the above and as part of the development plan, four (4) copies of the following plans:
- a. A survey and plat of the property;
 - b. New structures;
 - c. A certification by the City water Director that water will be available from the nearest point of supply;
 - d. Methods of sewage disposal approved by the Department of Environmental Quality, State of Oregon, and/or certification by the City sewer Director of approval to connect to the City sewer system;
 - e. Method of garbage disposal.
- E. Decision upon Development Plan. The Planning Commission may:
- 1. Deny or withhold approval if the project does not meet applicable standards for manufactured dwelling parks in this chapter;
 - 2. Accept and approve the development by signing a statement of approval on the finished plan, for acceptance and approval by the City Council;
 - 3. Approval will expire in one year unless the plan is substantially implemented.
- F. Manufactured Dwelling Park License.
- 1. Signed approved copies of the development plan and all components thereof shall be forwarded to the City Recorder and city building official.
 - 2. No license for occupancy of any manufactured dwelling park, or building or facility shall be issued by the City building official until such time as the development has been completed according to the finished plan approved by the Planning Commission. Deviations from the approved plan must be submitted to the Planning Commission for approval as revisions of the plan.

3. Licenses issued hereunder shall be valid for a period of one year and renewable thereafter, unless a shorter or longer time is noted and approved by the Planning Commission and the City Council on the signed approved copies of the development plan.

G. Basic Provisions and Regulations.

1. Fire Hazards. The owner of the park shall be responsible to maintain the park free of dry brush, leaves and weeds which might communicate fires between manufactured dwellings and other buildings in the park.

2. Fire Hydrants. Approved fire hydrants shall be installed so that all manufactured dwellings, recreational vehicles and other structures are within three hundred (300) feet down the center line of an approved fire hydrant.

3. Label of Compliance. All manufactured dwellings installed in manufactured dwelling parks after the effective date of the ordinance codified in this title shall bear a label from the Department of Housing and Urban Development indicating compliance with electrical, plumbing and structural standards as set forth by H.U.D.

4. Inspections. The building official shall check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance. If it is not in compliance, the owner must make whatever repairs are required before a license or license renewal for the park will be issued. An extension of time to make repairs may be allowed by the Planning Commission, if it can be shown that risk to the public health, safety or welfare will not be created by this extension, for a period not to exceed one year, by the granting of a temporary emergency license.

5. Management Responsibility. Either the owner, an operator or resident manager or similar supervisor or representative of the owner shall be available and responsible for the direct management of the manufactured dwelling park.

6. Telephone. At least one public telephone for the use of the park residents shall be provided and available for use at all times.

7. Water and Sewer Connections. All manufactured dwellings, service buildings, etc., shall be connected to the City sewer and water systems in a manner that provides these services to the same degree as other residents of the City. (Ord. 175, 1995; Ord. 73E § 9.030, 1992)

3. Relevant Yachats Comprehensive Plan Criteria:

Goal G: Control of Urban Growth and Form

Policy 6. The City shall, through development regulations, ensure that new development shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.

Policy 7. The City shall encourage improvement of the community's visual character.

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.

E. STAFF ANALYSIS

1. The Request and the R-4 Residential Zone

The applicant is requesting a conditional use permit to operate a 5-space recreational vehicle park in the R-4 Residential Zone. The Yachats Municipal Code provides a definition of a recreational vehicle park, but does not provide any standards for their placement in any zone. The closest permitted conditional use in the R-4 zone is a manufactured dwelling park.

A manufactured dwelling park is a permitted conditional use in the R-4 zone as are other “uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or zones than the buildings and uses specifically listed”.

2. Public Testimony Received

At the time this staff report was prepared, the City had not received any written testimony.

3. Agency Comments

Both the Yachats Public Works Department and the Yachats Rural Fire Protection District have reviewed the application and have no concerns at this time.

4. 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 9.68.030 describes standards for manufactured dwelling parks. The standards are listed above followed by a response from the applicant and/or staff.

CONCLUSIONS

If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption at the next meeting. If the request is approved, staff offers the following recommended conditions of approval, which may be added to or amended at the Commission's discretion:

- 1) Any increase in the number of RV spaces rented or occupied, over those previously permitted, will require a new conditional use permit application.
- 2) The private access road connecting the existing Fireside Motel driveway to the proposed RV sites should be a minimum of 20' in width.
- 3) Where the proposed conditional use abuts a residential zone, a fence, evergreen hedge, wall or landscaping shall be constructed and maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy (70) percent of the view between the zones. The buffer shall not be less than five (5) or more than eight (8) feet in height, except where vision clearance would be interrupted.

#1-CU-PC-21 Roslund
June 15, 2021 Planning Commission Hearing

Submitted by,

Katherine Guenther
City Planner

Enclosures: • Conditional Use Permit application including site plans and narrative

Fireside Aerial



Legend

∨ Taxlots

Printed on 6 / 14 / 2021

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FENCES – WALLS - HEDGES

For PC MEETING DATE: June 15, 2021

By: Loren Dickinson 5-23-2021

Based on discussion in the Planning Commission Meeting of May 18, 2021, the following are observations and potential options in lieu of creating a new ordinance for Fences, Walls & Hedges:

DEFINITIONS, 9.04.030

The existing definitions for Fence, and for Sight-Obscuring Fence appear to be appropriate and concise. No changes recommended.

A definition is needed for Sight-Obscuring Screen, as this term is used a number of places within the YMC. The definition would be essentially the same as Sight-Obscuring Fence – so either creating a separate definition using the same language, or simply adding the term to the existing definition (i.e. “Sight-Obscuring Fence / Screen”) would be appropriate. (Used in 9.28.030.E)

The term “barbed wire” might need a definition (as used in 5.08.090A YMC).

The term “buffer” is used in a few locations but is not defined and perhaps should be. (Used in 9.28.030H, 9.68.030.C.15, 9.68.040.8, and perhaps elsewhere). It is, however, partially defined by stated requirements within the code sections, but might benefit from a general definition.

The term “Clear Vision Area” might benefit from a definition, as used in 9.64.010 YMC.

The term “hedge” is used in several locations within YMC, but has no formal definition.

CHANGES TO EXISTING ORDINANCES:

During my research and analysis, I found a few ordinances that would benefit from changes and / or additions. These would obviously entail more effort and difficulty beyond simply adding or changing the Definitions.

9.28.030 Standards – C1 Retail Commercial Zone, Paragraph E: Currently, this paragraph does not prescribe minimum and maximum heights of screening, which I believe are necessary. Perhaps also modify to read “...screen or fence.”.

9.64.010 Standards – Street Construction and Design. This ordinance section, as it is currently named is very problematic. By its name, it would appear that the section is intended to regulate design and construction of (public) streets. However, the ordinance by virtue of its wording is clearly meant for inclusion of requirements for development on private property. This should be clarified, particularly to reinforce its requirements for private driveways entering a public street (clear vision requirement). The biggest offender of this ordinance is Paragraph B., which covers fences, hedges & walls on private property not in public streets and rights-of-way. It clearly does not belong in this section as this section is currently titled. Could the solution be to modify the title of this section to somehow include development on private property, or can Paragraph B be put into other ordinance section(s)?

9.68.040.8 – Manufactured dwelling subdivisions. Paragraph 8, should be modified to state the requirements as being in the “street side yard” not the (interior) “side yard”, as it is a vision safety guideline.

9.48.010.G Standards – Off-Street Parking and Loading. This paragraph may be incorrectly worded. For sure it is confusing and should be looked at. It reads “...*sight obscuring fence of not less than five (5) feet in height where vision clearance is required.*”. This appears to conflict with the three foot height limitations (clear vision standards) of Ordinance 9.64.010.

ADDITIONAL CONSIDERATIONS:

In a related, but more complex issue, during my research I found some confusion with definitions of “Yard” in YMC. Specifically with respect to height of landscaping in a “side yard” in 9.68.040.8, I believe the relevance is to a “street-side yard”, not an (interior) side yard. I found that “street side yard” is not defined in YMC Definitions 9.04.030. Whereas these may not appreciably affect Fences, Walls & Hedges directly, they nonetheless may pose confusion with interpretation on this and other issues.

The following is the definition of Front Yard in YMC:

“Yard, Front. “Front yard” means a yard extending across the full width of a lot , the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.”

In that definition, it does not describe which is the front yard when a lot faces two streets (a corner lot). The difference is partially covered by YMC Definition of “Lot Line, Front” in 9.4.030, but is not reflected in descriptions of yards. The following is the definition of Front Yard in the Lincoln County Ordinance definitions 1.1115, page 43:

*“A **“front yard”** is a yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than any alley, shall be considered a front yard.”*

The differentiation of which is considered a “front yard” or a “street side yard” could be solved by adding the County’s definition for “street side yard” (Lincoln County Ordinance definitions 1.1115, page 43). The actual wording may need to be revised a bit to fit within Yachats’ formats of other yard definitions:

*“A **“street side yard”** is a yard on a corner lot that is adjacent to a street between the front yard and the rear and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.”*

Suggestions:

After reviewing codes from other municipalities it seems that the standard fence height in residential areas, on average, is 6' with anything above that requiring a permit. Since we do touch on height with regards to commercial abutting residential (allowing up to 8') perhaps under *Section 9.28.030 Standards* we add a section stating that in all areas zoned residential a maximum 6' fence or wall is allowed within the required yard except where clear vision standards are enforced. Anything above 6' needs a permit. We can include a diagram such as the one attached.

I like the idea of creating a "one-sheet" that residents can pick up that is an easily understood simplified explanation of what we want regarding fences, walls, and vegetative growth. Attached are examples. The same could be developed for other specific ordinances such as lighting.

Vegetation:

Vegetation Is Not Considered a Fence: Hedges or other plant material may provide screening similar to a fence but are not considered fences and are not regulated under the Fence Code. However, no such hedge shall be grown or maintained at a height greater than that permitted by these regulations for a wall or fence.

Materials:

Fences must be constructed of material specifically designed and manufactured for fencing purposes. They cannot contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed edging, broken glass, spikes, or any other hazardous or dangerous materials.

Posts, trellises, lattice, and any other material placed on top of the fence is considered to be part of the fence when measuring the overall height.

Maintenance:

Every fence shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation.

Diagram illustrating lot types and yard requirements for a 30-foot wide street:

- Interior Lot:**
 - Rear Yard: 6'
 - Front Yard: 4'6"
 - Interior Side Yard: 6'
- Corner Lot:**
 - Rear Yard: 6'
 - Front Yard: 3'6"
 - Interior Side Yard: 6'
 - Flanking Side Yard: 3'6"
- Other Labels:**
 - Alley
 - Property Line
 - Side Flanking Street
 - Street
 - Vision Clearance Triangle (see Figure 2)
 - 3'

Section 9.64.010 Design standards.

No temporary or permanent obstruction (e.g., structure, fence, or shrub vegetation) between three (3) feet and eight (8) feet in height shall be placed in clear-vision areas on streets, driveways, or alleys, as shown in the Clear-Vision Area Diagram figure below. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above grade.

B. **Fences**, **Hedges** and **Walls**. **Fences**, **hedges** and **walls** may be located within required yards, but shall not exceed three (3) feet in height in any required yard which abuts and runs parallel to a street other than an alley. **Hedges** that front Highway 101 are exempt from this height requirement as long as the height does not interfere with clear vision requirements in Section [9.64.010\(A\)\(3\)](#).

Section 9.68.040 Requirement for manufactured dwelling subdivisions.

8. **Fences**, **Fences**, **walls**, **hedges** and landscaping shall be no greater than three (3) feet in height in the front yard or side yard of a corner lot.

Section 9.28.030 Standards.

H. **Fences**, **Hedges**, **Walls** and Landscaping. Where a commercial use abuts a residential zone, a fence, evergreen hedge, wall or landscaping shall be constructed and maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy (70) percent of the view between the zones. The buffer shall not be less than five (5) or more than eight (8) feet in height, except where vision clearance would be interrupted. Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter [9.80](#) Variances.

Section 9.68.030 Manufactured dwelling parks.

1. Location and type of landscaping plantings, **fences**, **walls** or combination of any of these, or other screening materials

Section 5.08.090 **Fences.**

A. Barbed Wire. No owner or person in charge of property shall construct or maintain a barbed wire fence or permit barbed wire to remain as part of a fence, along a sidewalk or other public way; except such wire may be placed above the top of other fencing not less than six (6) feet, six (6) inches high.

B. Electric Fence. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or other public way or along the adjoining property line of another person. (Ord. 174 § 18, 1995)

Section 9.52.060 County Road No. 804 right-of-way.

3. For the purposes of this section, structures, alterations and development includes, but is not limited to, construction of buildings or **fences**, placement or removal of material, filling, grading, ditching and draining

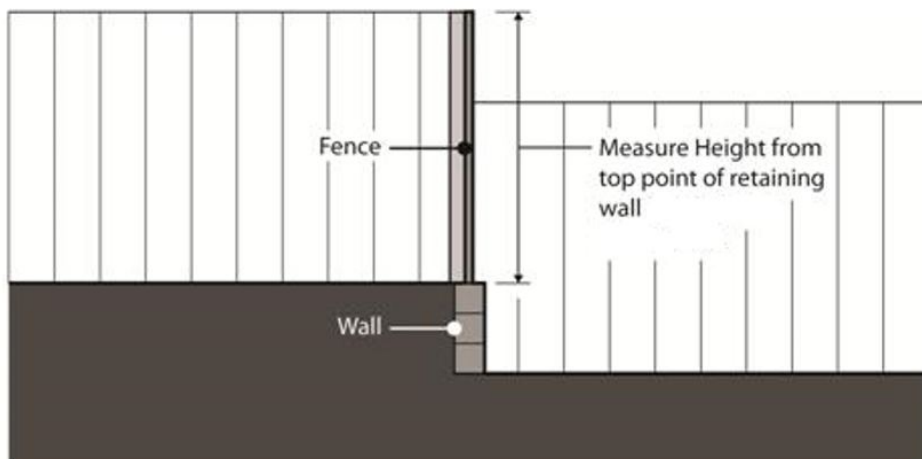
Section 5.08.090 **Fences, walls and sight obscuring landscaping**

A. ~~Barbed Wire. No owner or person in charge of property shall construct or maintain a barbed wire fence, or permit barbed wire to remain as part of a fence, along a sidewalk or other public way; except such wire may be placed above the top of other fencing not less than six (6) feet, six (6) inches high.~~

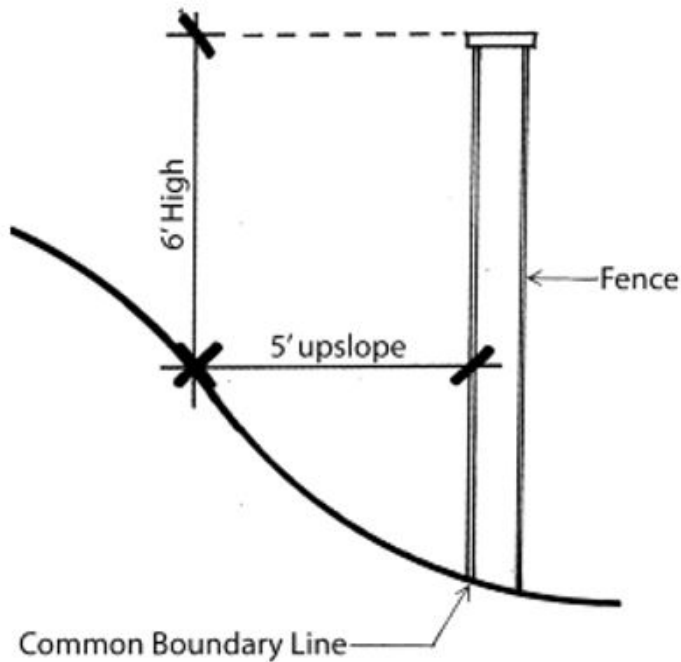
~~B. Electric Fence. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or other public way or along the adjoining property line of another person. (Ord. 174 § 18, 1995)~~

A. Fences must be constructed of material specifically designed and manufactured for fencing purposes. They cannot contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous materials. (Add definition of Selvage - Chain link fence fabric has two types of selvages: knuckle and twist (barb). Knuckle is more round and much safer because it has no sharp points to catch on clothing or people. However, twisted or barbed have sharp ends for high security. Commonly speaking, knuckle selvage is a must for most residential chain link fence system, while barbed selvage is recommended for commercial or high security fencing system.)

B. Height must be measured from the lowest grade at the base of the fence or retaining wall unless stated otherwise. Posts, trellises, lattice and any other material placed on top of the fence is considered to be part of the fence when measuring the overall height. As illustrated in the Figure 2 below, when a fence is placed atop a retaining wall, the height of the fence is determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.



If there is a grade difference between two sites which would make a six-foot-high fence inadequate to provide for privacy, such fence must be no higher than six feet above the highest grade within five feet of the common boundary line, as illustrated in Figure below.



C. Every fence shall be maintained in a condition of reasonable repair and not be allowed to become or remain in a condition of disrepair including noticeable leaning or missing sections, broken supports, non-uniform height, and growing or noxious vegetation.

D. Clear Vision standards: Fences, walls and other sight obscuring features must comply with Clear Vision standards to ensure that the line of sights for motorists, pedestrians, and bicyclists are not obstructed. Clear vision applies to street, driveway and alley intersections.

Residential Zones:

Section 9.12.040 Standards.

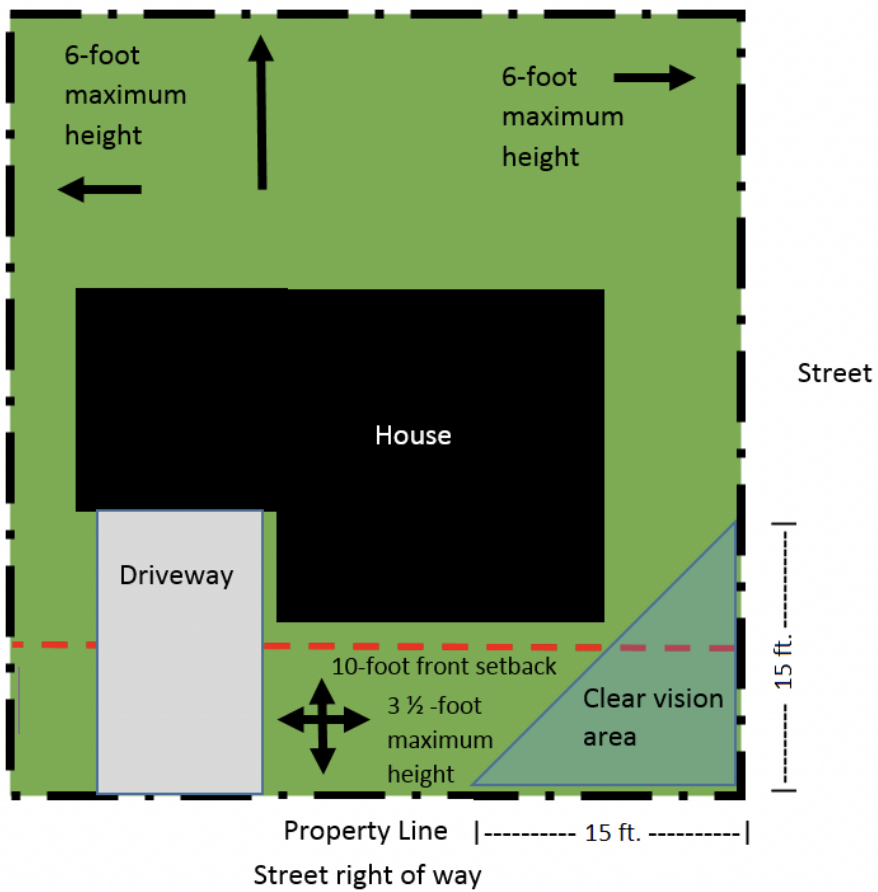
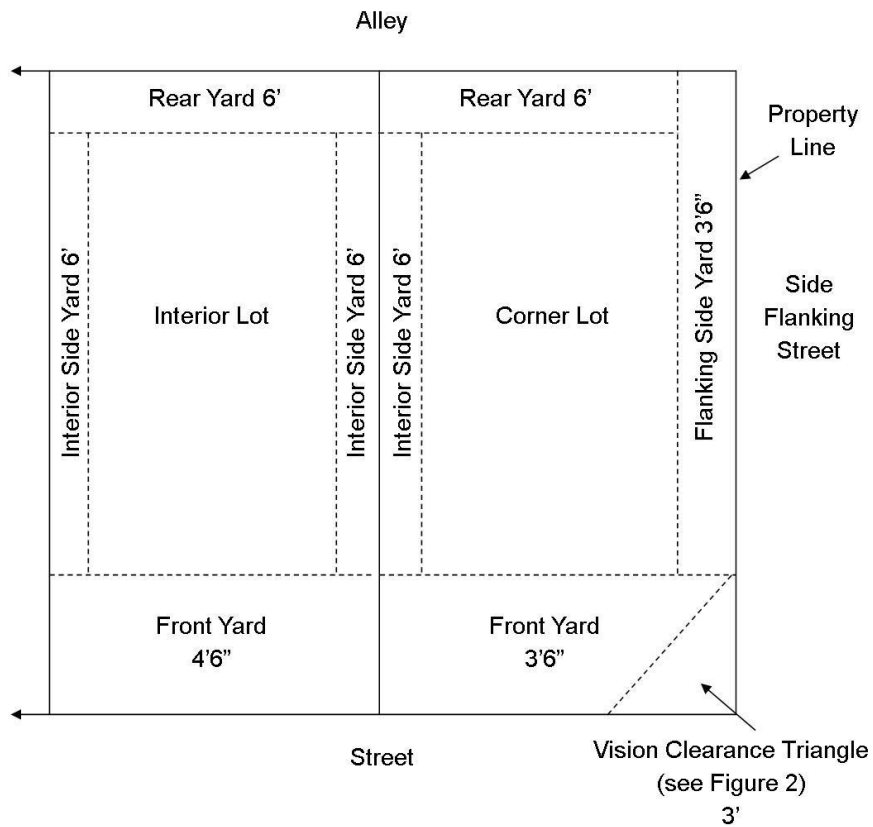
Section 9.16.040 Standards.

Section 9.20.040 Standards.

Section 9.24.040 Standards.

Add the following:

B-7 Where a residential use abuts another residential use a fence, wall, or sight-obscuring fence landscaping may be constructed/grown and maintained adjacent to the abutting property line so long as it is not greater than six (6) feet in height, or up to eight (8) feet in height, except where clear vision would be interrupted, with approval by the Planning Commission through a public hearing in accordance with Chapter 9.80 (see diagram below – two drawing types are entered here for Planning Commission to choose from)



Section 9.28.030 Standards.

E. Outdoor storage shall be screened with a sight-obscuring screen. **Such a buffer shall screen at least seventy (70) percent of the view**

H. Fences, Hedges, Walls and Landscaping. Where a commercial use abuts a residential zone, a fence, evergreen hedge, wall or landscaping shall be constructed and maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy (70) percent of the view between the zones. The buffer shall not be less than five (5) or more than eight (8) feet in height, except where vision clearance would be interrupted. Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter [9.80](#) Variances.

Section 9.48.010 General requirements.

G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height and not to exceed eight (8) feet. **If parking or loading area(s) are situated within the Clear-Vision Area as noted in the Clear-Visions Standards the sight obscuring buffer cannot exceed three (3) feet in height. Exceptions shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter [9.80](#) Variances.**

Section 9.64.010 Design standards.

2. No temporary or permanent obstruction (e.g., structure, fence, or shrub vegetation) **between greater than three (3) feet and eight (8) feet in height shall be placed in clear-vision areas on streets, driveways, or alleys,** as shown in the Clear-Vision Area Diagram figure below. Trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above grade.

B. Fences, Hedges and Walls. Fences, hedges and walls may be located within required yards, but shall not exceed three (3) feet in height ~~in any required yard which abuts and runs parallel to a street other than an alley.~~ **within the Clear-Vision Area Diagram below.** Hedges that front Highway 101 are exempt from this height requirement as long as the height does not interfere with clear vision requirements in Section [9.64.010\(A\)\(3\)](#).

Section 9.68.030 Manufactured dwelling parks.

C-15. Buffering or screening, if required by the Planning Commission, shall be ~~a sight obscuring fence, wall, evergreen or other suitable planting at least six feet high, or higher;~~ **Such a buffer shall screen at least 70% of the view between uses. The buffer shall be not less than five (5) or more than eight (8) feet, except where vision clearance would be interrupted.**

Section 9.72.050 Standards and procedures governing conditional uses.

3. Outdoor storage shall be on the side or rear of the building and shall be screened with a sight-obscuring fence, hedge or wall. **Such a buffer shall screen at least 70% of the view between uses. The buffer shall be not less than five (5) or more than eight (8) feet, except where vision clearance would be interrupted.**

CHANGES RECOMMENDED FOR FENCE, HEDGE, AND WALL HEIGHT
MAY 26TH, 2021
by: Lance Bloch

Definitions from 9.04.030 (do not need changes)

Fence: An unroofed barrier or an unroofed enclosing structure such as masonry, ornamental iron, woven wire, wood pickets of solid wood or any any other material used as an unroofed barrier to light, sight, air or passage.

Sight-Obscuring Fence: Consists of either a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.

Changes required:

9.48.010G add "...or more than 8 feet"

9.68.030 C15 add "...or up to 8 feet maximum"

9.72.050 G3 add "...between 5 and 8 feet tall as needed for screening"

9.12.040 add B7

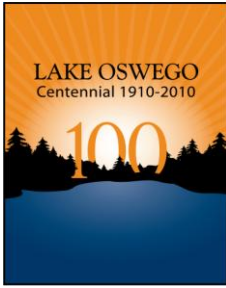
9.16.040 add B7

9.20.040 add B7

9.24.040 add B7

9.28.030 H does not require changes

B7 : Where a residential use abuts another residential zone a fence, wall, or sight-obscuring fence may be constructed/grown and maintained immediately adjacent to the abutting property line so long as it is not greater than 6 feet in height, or up to 8 feet in height with approval by the Planning Commission through a public hearing in accordance with Chapter 9.80.



Department of Planning and Building Services
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FENCES, WALLS & RETAINING WALLS

The Fence Code [LOC 50.06.004.2] regulates the location, height, materials, maintenance and appearance of fences, walls and retaining walls within the City of Lake Oswego. For the purposes of this handout, fences and walls (not including retaining walls) are referred to as "fences" [See definitions, LOC 50.10.003]. This handout summarizes the most frequently asked questions regarding fences and walls.

Building Permits: Building permits may be required based on the height and purpose of a fence or retaining wall, as follows:

- Fences: A Building Permit is required for all fences or walls over 6 feet in height. *[The height of a fence is measured from the downslope side of finished grade below the fence to the highest horizontal surface, not including posts or columns less than 2 feet in width and spaced at least 8 feet apart].*
- Retaining Walls: A Building Permit is required for all retaining walls that are greater than 4 feet in height, and any retaining wall that is over 2 feet in height that supports a surcharge (i.e., has a slope behind it). *[For purposes of a Building Permit, the height of a retaining wall is measured from the bottom of the footing to the top of the retaining wall].*
- Portals, Arbors & Trellises: A Building Permit may be required based on the materials, height, and connections of the structure. Please contact the Building Division for more information.

Vegetation Is Not Considered a Fence: Hedges or other plant material may provide screening similar to a fence, but are not considered fences and are not regulated under the Fence Code. However, please note that the Vision Clearance standards of LOC 50.06.011 prohibit fencing and vegetation more than 30 inches in height within "vision clearance triangles" where driving surfaces intersect (streets, driveways, etc.).

Maximum Height of a Fence in a Residential Zone: The maximum height of a fence in a residential zone is 6 feet; therefore, a building permit is not required. However, when located within 10 feet of a property line abutting a public or private street or an access easement serving more than two lots, a fence can only be 4 feet in height. For the purposes of this section, alleys are not considered streets. Please note that your property lines are not necessarily the edge of pavement or the back of the sidewalk – please consult with a surveyor to determine the location of property lines.

Maximum Height of a Retaining Wall in a Residential Zone: Retaining walls cannot exceed the height limits of the underlying residential zone; however, any retaining wall greater than 4 feet in height must meet required yard setbacks as determined by the zone. *[For purposes of setback compliance, the height of a retaining wall is measured from the top of the footing to the top of the retaining wall. A retaining wall greater than 4 feet in height (measured from the bottom of the footing to the top of the retaining wall) requires a Building Permit].*

Fences Along Shared Property Lines: There are no setbacks required for fences from property lines. If you are constructing a fence between your property and your neighbor's, please contact your neighbor to work out an acceptable location if the fence will be on or near the property line. The City does not participate in private property disputes between neighbors, i.e., where a fence is located.

Multiple Retaining Walls in a Residential Setback: For multiple retaining walls within a required setback (see above), each retaining wall shall be set back at least 5 feet from another retaining wall, measured from the back of one retaining wall to the front of the next retaining wall.

Wildlife-Friendly Fences Located in a Sensitive Lands Overlay District (Wetland or Stream Corridor): Fences cannot be located within a wetland or stream channel. If a fence is located below the top of the bank of a stream, a two-foot section of every 100 foot fence segment must be (1) at least 12 inches above the ground, and (2) no more than four feet tall as measured from the ground [LOC 50.05.010.2.c.iv].

Setbacks for Fences and Retaining Walls on Non-Residential Property: There are no setbacks for fences or retaining walls in non-residential zones; however, fences and retaining walls cannot exceed 8 feet in height. In addition, any fence or wall over 6 feet in height must be screened by an evergreen hedge that provides a 6-foot high dense screen within three years of planting. A fence greater than six feet in height also requires a building permit.

Fences Located On Top of a Retaining Wall: If a fence is located on top of or within 5 feet of a retaining wall on the upslope side, the combined height of the fence and retaining wall shall be less than 8 feet, as measured from the lower side of the retaining wall. When located within 10 feet of a property line abutting a public or private street or an access easement serving more than two lots, the retaining wall and fence must be separated by a distance of at least five feet.

Berms: If a fence or wall is located on top of a berm, the height of the berm (measured from finished grade) is included in overall fence height determination.

Good-Neighbor Fence Required: If there is an unfinished or structural side to the fence, it must face the property owner's property unless written consent has been obtained from all abutting property owners to face the structural side in another direction.

Materials: Fences cannot contain any material that will do bodily harm, such as electrification, barbed wire, broken glass, spikes, etc. There are certain exceptions to these provisions for fencing livestock and for property located in the General Commercial and Industrial Zones [See 50.06.004.2.d].

Old Town Fences (DD Zone): Except for stone fences, new fences in the Old Town Neighborhood placed in the front yard shall be used in an ornamental or symbolic way, rather than as a visual barrier. Metal chain link fencing is prohibited in the front yard.

Swimming Pools, Spas and Hot Tubs: Fences around these bodies of water cannot have openings which are larger than four inches, except for doors and gates. All gates or doors must be equipped with an automatic closing and latching device combined with a lock. Please contact the Building Division for more information concerning pool fencing.

Exceptions and Variance to Fence Standards: LOC 50.06.004.2.c identifies circumstances in which the height limits for fences and retaining walls do not apply. Minor Variances are available for exceptions to the maximum fence or retaining wall height restrictions. All other variances to the Fence Code (material, screening) must be processed as a Hardship Variance.

This publication summarizes only portions of the Lake Oswego Community Development Code and is intended to be used solely as an informal discussion document. As such, it should not be relied on as a guarantee that a particular development request could be approved or denied. Please contact the Planning and Building Services Department of the City of Lake Oswego for more information.

Fences and Retaining Walls

Quick Reference Guide

Planning Division
planning@bendoregon.gov
541-388-5570 option 3



COMMUNITY
DEVELOPMENT

Standards exist for fences and walls to promote security, personal safety, and privacy. The standards in this guide are for fences and retaining walls that are on properties developed with single-family dwellings within the Residential Districts and include regulations on height, types of materials and layout.

See [Bend Development Code \(BDC\) 3.2.500](#) at bendoregon.gov/citycode for detailed requirements.

Eligibility

- Fences and retaining walls are permitted on any property within the Residential District. This handout has been developed to assist residents of **single-family dwellings** in Residential Districts. For other uses, please consult [BDC 3.2.500](#) for detailed requirements.
- Special standards apply to fences on properties that are Historic Resources or are located in the Historic Districts ([Bend Code 10.20](#)), Waterway Overlay Zone (WOZ) ([BDC 2.7.600](#)), Lava Ridge Refinement Plan area ([BDC 2.7.200](#)) and Murphy Crossing Refinement Plan area ([BDC 2.7.800](#)).
- Please check your HOA regulations or CC&Rs, as private restrictions may be stricter than those of the City. The City does not monitor nor enforce private restrictions.

Layout Schematic

The following schematic (Figure 1) illustrates requirements for fences and walls on a property. Key elements include maximum fence/wall height, front setback distance, and clear vision area. Please note: all measurements are taken from the property line, which is not necessarily the edge of the street surface.

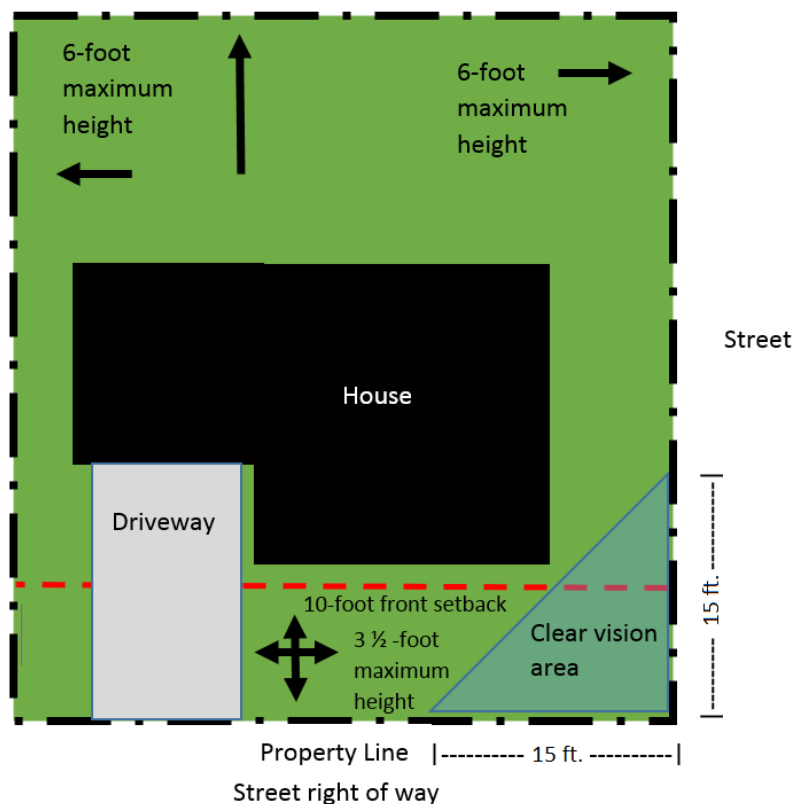
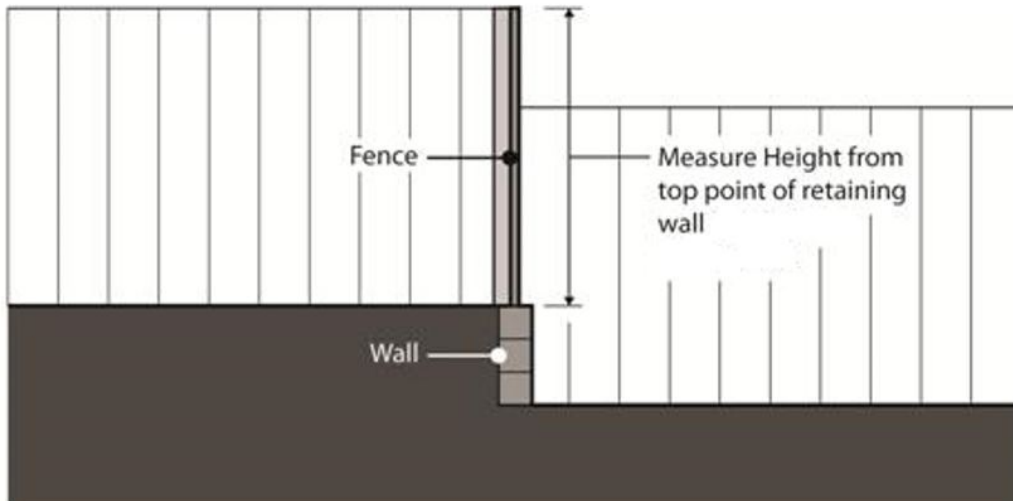


Figure 1: Example of a corner lot layout

Height Limits

Height: must be measured from the lowest grade at the base of the fence or retaining wall unless stated otherwise. Posts, trellises, lattice and any other material placed on top of the fence is considered to be part of the fence when measuring the overall height. As illustrated in the Figure 2 below, when a fence is placed atop a retaining wall, the height of the fence is determined exclusive of the height of the retaining wall such that the top of the retaining wall is considered the finished grade.

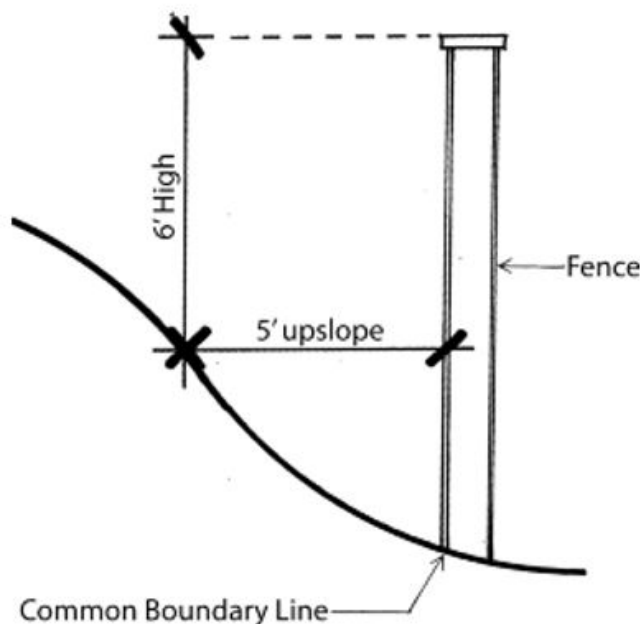


Maximum height: 6 feet

If located within front setback: 3 feet 6 inches

Corner lots, as depicted in Figure 1, are subject to the 3-1/2-foot height requirement only on the front setback (i.e. along the street to which the house address is assigned). The fence or wall along the non-front side must not exceed 6 feet.

If there is a grade difference between two sites which would make a six-foot-high fence inadequate to provide for privacy, such fence must be no higher than six feet above the highest grade within five feet of the common boundary line, as illustrated in Figure 3 below.



Setbacks and Layouts

Setback: For 6-foot-tall fences and walls between the front of the house and the adjacent street, a 10 foot setback is required. This is to be measured from the property line, not the street curb or edge of pavement.

Clear Vision standards: Fences and retaining walls on corner lot properties must comply with Clear Vision standards ([BDC 3.1.500](#)) to ensure that the line of sights for motorists, pedestrians, and bicyclists are not obstructed. Clear vision applies to both street and alley intersections.

Additional Information

Height Exception: Retaining and terraced walls may exceed 6 feet only when permitted as part of a Site Plan Review or land division approval.

Fence Materials and Colors: Acceptable materials include wood, vinyl, metal, masonry or other material that is able to be painted and/or maintained in structurally sound condition. The City does not regulate color.

Required Review Process

Fences and walls generally do not require building permits, with the following exceptions:

- Planning Division review may be required for fences on properties that are Historic Resources or located in the Historic Districts or Waterway Overlay Zone (WOZ).
- A building permit and/or approved engineering plans may be required if the retaining wall is greater than four feet in height or is less than four feet in height and supports a surcharge.

Unsure about what permits may be required?
Want to obtain a fee estimate for permits?
Questions about how to file an application?

Contact the Planning Division at:
541-388-5570, menu option 3
planning@bendoregon.gov

Future Tasks for the Planning Commision

1. Parking Recommendations – Requested by the City Council, started with the inventory.
2. Fences, Hedges, and Walls – in progress
3. Comprehensive Plan Audit – Priority 2, due every two years
4. Wetlands Survey – Almost Complete, paused in 2011
5. Building Heights Review – later
6. Buildable Lots Inventory – later
7. Water Conservation Recommendations/ Incentives
8. Accessory Dwelling Units (ADU)
9. Architectural Standards
10. City Street Lights Plan – generated as followup to the Lighting Ordinance

City of Yachats
Land Use/Building Permit Activity
May 16, 2021 through June 14, 2021

Project Name	Description	Parcel #	Address	Zone	Opened	Status
CONWAY	Electrical, sheetrock	14-12-27-DA-90004	502 Highway 101 N	C1	3/25/21	Permit Issued
SHADLE	New SFR	14-12-27-AD-13903	235 Radar Road	R1	4/22/21	Ready to Issue
O'CONNOR	New SFR. Demolish old SFR	14-12-34-AC-07600	79 Gender Drive	R1	4/23/21	Permit Issued
BALKEMA	New SFR	14-12-26-BB-02900	227 Windsong Street	R1	4/23/21	Permit Issued
REILLY	New accessory building	14-12-27-AD-02102	48 E. 8th Street	R3	4/22/21	In Review (LC)
GRAND PACIFIC	Conditional Use Permit	14-12-22-DD-3101	1881 Highway 101 N	R4	5/13/21	Pending Public Hearing
KELLEY	New SFR	14-12-26-BC-2100	867 Horizon Hill Road	R1	5/26/21	Submitted to LC
STERLING	New SFR	14-12-26-CC-11700	35 Joni's Way	R1	5/27/21	Submitted to LC
DANIEL	New SFR	14-12-26-BB-3000	221 Windsong Street	R1	5/27/21	Submitted to LC
KELLIM	New SFR	14-12-27-DD-1604	136 Ocean View Drive	R1	6/2/21	In Review (CoY)
CAVALLO	New Manufactured Home	14-12-27-AD-2800	E. 8th Street	R3	6/7/21	In Review (CoY)

JGD – 2021-2022 Planning Commission Priorities

Hopefully a review of the Yachats Municipal Code regarding Fences, Hedges, and Walls can be completed at the June 2021 meeting.

As I understand it The Wetlands Inventory was completed in 2011 with only paperwork needing to be done. This is something that staff should be able to finalize without much, if any, input from the Planning Commission.

Again, as I understand it, a Street Light Plan seems to be more in-line with what the Public Works and Streets Commission would be doing. As far as the lighting ordinance is concerned almost all the streetlights are governed by ODOT and/or Lincoln PUD so the connection with the ordinance is slight.

Parking has been an issue for some time so working with Laura Buhl on the workshops and parking inventory review as soon as possible would be appropriate. The summer months are the busiest time of the year, and we will get the best data by doing this work now. Once we have the data, we can move into integrating it into our larger planning processes.

Moving forward, priorities of the Planning Commission need to incorporate current and future planning needs. Every element that currently is on our list of items is contained within the Comprehensive Plan making a review of the Comprehensive Plan of the utmost importance. Whether it is water conservation, building heights, architectural standards, or housing and ADUs. Before any of these items can be fully discussed and revised basic data is needed. The current Yachats Zoning Map is decades old. Lots have been divided and built on and that information is needed to move forward. A Buildable Lands Survey is another piece of missing data. Without a current survey trying to plan becomes a guessing game. For instance, water. Without knowing how much land is available for development, and for what uses it is zoned for, we can only guess how much water will be needed, how to conserve it and how to move forward with growth.

Housing. Housing is probably the biggest issue Yachats is dealing with now. The lack of housing choices in varying types and affordability is affecting the quality of life for many people who call Yachats home and many more who would like to call Yachats home. This isn't an issue of "affordable" housing it is an issue of equitable long-term planning needs and the economy of Yachats into the foreseeable future. Addressing the potential of ADUs is only a small, although significant, portion of the discussions needed. A Housing Needs Assessment was done by Lincoln County and Yachats can, and should, build a local needs assessment using that existing report as a base.

Significant long-term planning has not been done in Yachats. The recent increase in growth has exposed the deficiencies in our Comprehensive Plan and Municipal Code. Our priority should be to address this void in long-term comprehensive planning. This is a large and time-consuming project but without strong comprehensive planning growth will happen "to" Yachats rather than with input by and for the Yachats Community.

Several factors are all in place: A twenty-year water plan was recently completed, a drinking water protection plan has been developed, along with an effort at creating a water protection partnership, the 2020 census numbers will be coming in soon, Yachats is financially well situated and has received federal COVID relief funding, an effort is being made to develop a partnership with South Lincoln Water PUD that would share resources, a proposal that could have large implications to Yachats' land use planning and the availability of assistance from DLCD. All these developments are happening at a time when Yachats and the central coast are experiencing dramatic growth in construction and real estate sales.

Right now, we have a chance to really make a positive difference for this community. By creating a Citizen Involvement Subcommittee that could work with us and the other Commissions on the different critical planning areas such as water, infrastructure, housing and economic development, and transportation/circulation planning we could develop a cohesive planning process that brings all the City Commissions together to move Yachats forward.