

1. 3:00 P.M. Agenda

Documents:

[2022-11-15 Planning Commission Agenda.pdf](#)

2. Meeting Materials

Documents:

[Application - Case File 1-CU-PC-22.Pdf](#)

[Staff Report - Case File 1-CU-PC-22.Pdf](#)

[Previous Action Of 2021 For Roslund -Grand Pacific LLC.pdf](#)

[YMC - Notes - John Theilacker.pdf](#)

[Building Activity 11-15-22.Pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Yachats OR
Tuesday November 15, 2022, at 3:00 pm
Public Meeting via ZOOM Meeting

Join Zoom Meeting

<https://us02web.zoom.us/j/88553805590>

Meeting ID: 885 5380 5590

One tap mobile

+13462487799,,88553805590# US (Houston)

+16699006833,,88553805590# US (San Jose)

Dial by your location

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

Meeting ID: 885 5380 5590

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

Regular Meeting

- I. Call to Order
- II. Announcements and Correspondence
- III. Citizen Concerns
- IV. New Business
 - a. Public Hearing - Conditional Use Permit Application – Drew Roslund
- V. Old Business
 - a. Parking Report – Next Steps – Loren Dickinson
 - b. Title 9 definitions review – John Theilacker
 - c. Local Wetlands Inventory Update – John Theilacker
- VI. Reports
 - a. Planner's Monthly Report – Katherine Guenther
 - b. Meeting Summary (Informational)
 - c. From the Commission
 - d. From the Staff

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.

Land Use Application

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

Fee:

Date Received: 9/19/22 ^{KLG}

☒ 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: DREW ROSLUND ⁵⁴¹ Phone: ()

Address: 320 SW CENTURY DRIVE, STE 405-401

City: BEND 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% GRADE DOWNHILL FROM EAST TO WEST

Directions to Property: 1881 HIGHWAY 101 NORTH - SOUTH FROM FIRESIDE DRIVE WAY

Previous Planning Actions on Property: CUP APPROVED FOR RV PARKING

ON JULY 5, 2021 CASE FILE #1-CU-PC-21

Reason for Request:

Existing Structures on Property:

Proposed Use and Structures:

Current Utilities and Providers:

Anticipated Date of Development:

SEE ATTACHED
NARRATIVE

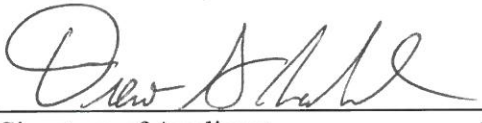
Land Use Application

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
- ☒ 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.

 For GRAND PACIFIC, LLC

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- Fax 541-
drew@overleaflodge.com

September 18, 2022

Narrative and additional Information

Grand Pacific LLC – Park Model Homes
City of Yachats Land Use Application
Conditional Use

Reason For Request:

The purpose for this request is to temporarily provide up to 4 Park Model Home placements to be used solely for workforce housing for employees of the Overleaf Lodge and Fireside Motel. We continue to experience workforce housing shortages in the Yachats area which places great strain on the staff we have and restricts our ability to run at full operating potential.

This is a partial solution to resolving our workforce recruiting problems. We already received a CUP for 5 RV parking spots. We completed 2 of these spots and look to Park Model Homes to help increase staff housing options.

Benefits of enhancing our workforce by utilizing Park Models:

- 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. However, we have completed 2 of the 5 approved RV parking spots on this same tax lot and are currently advertising to fill those two spots.

Proposed Use and Structures: We plan to move up to 4 Park Model Homes onto the property in the approximate location as shown on the attached site plan. These homes will be permanent housing for our staff and will only be used for staff housing. When staff is no longer employed by the Overleaf Lodge or the Fireside Motel, they will vacate the home. These homes will be rigorously managed and maintained.

Current Utilities and providers: We plan to provide water and sewer (City of Yachats) and electrical (Central Lincoln PUD) to each home. Cable television and internet service will be provided at occupant's expense.

Anticipated Date of Development: We plan to install the utilities this Fall (2022) and then install the Park Model homes in the spring of 2023.

Park Model ownership: Grand Pacific, LLC (dba Overleaf Lodge) and Fireside Hospitality, LLC (dba Fireside Motel) will own the individual park model homes. The land is owned by Grand Pacific, LLC.

List of plans provided:

- Plot Plan for park model home placement – Exhibit A – Showing tax lots, the planned location of the Park Model homes and the approved 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 the Park Model Homes, driveway from Highway 101, parking spots and the previously approved RV Parking spots – Exhibit B - Trees are shown. Scale 1"=40'
- Utility and Lighting plan – Exhibit C Scale 1"=40'
 - Water service will be provided by the 2" Fireside Motel water line that runs east-west down the south side of the Fireside Driveway.
 - Sanitary Sewer service will be provided through the pipe extended, during the construction of the RV spaces, from the manhole shown.
 - Electrical service will be provided from the transformer installed as part of the RV space development.
 - 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.
- Drainage Plan – Exhibit D – Scale: 1"=40'

This details the current drainage for the property which will be maintained. Very little concentration of water will be created by the graveled drive and parking areas and water will be directed away from the homes and towards the west and northwest as detailed on the plan. Any pooling that is created will be directed into the existing drainage pipe located on the north side of tax lot 3101.
- Property Line Adjustment – Exhibit E – See discussion below under Property Line Adjustment

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

- Recreational and Common areas – The home occupants 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 occupants will not have access to the Overleaf Spa.
- Landscaping – Except for the cleared areas for the driveway and parking spots, all vegetation and landscaping will be kept in place and maintained as it currently is. Lawn will be planted between the individual homes and maintained by hotel staff.

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 park models 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 – all of the park models will be single level with the possibility of some of them having a loft with only about 4' of headroom. Therefore the maximum height of these homes will be approximately 15 feet.

Lot Coverage – The maximum foot print of a park model is 450 square feet. Therefore we are proposing a maximum coverage of less than 2000 square feet. The lot size is 1.89 acres which equates to approximately 82,300 square feet

Off-street parking – Parking areas for 8 vehicles, via two-4 parking spot areas, are shown.

Separation between buildings – Required separation between park models will meet all building code and fire prevention requirements.

Vehicle access is provided from a driveway on Highway 101. A copy of the permit obtained from ODOT is included with this application.

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 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 to each home from the parking areas and the occupants 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. In the 20-foot setback to Highway 101, we will plant trees and shrubs that will help obscure highway traffic and dampen noise too.
- All houses will meet the setbacks as identified in the ordinance.
- Two off street parking spots are assigned to each dwelling site.

Additional narrative on the Park Model Homes:

The proposed park model homes will be constructed off site and delivered to our property. They will be placed, the wheels removed and the homes attached to concrete pads or foundations as required by the Lincoln County building department to meet the standards for homes with this proximity to the ocean. Additionally, we will upgrade the fasteners (staples and nails), water leak prevention and roofing to meet the environmental elements (wind, rain and salt air) of this location.

Park model homes, although considered recreational vehicles, are transportable and primarily designed for long-term or permanent placement at a destination. When set up, park models are connected to the utilities necessary to operate home style fixtures and appliances.

A park model home can be more than just a temporary home while you are on vacation or enjoying some time in another state. You can live full-time in a park model home with the correct utilities installed.

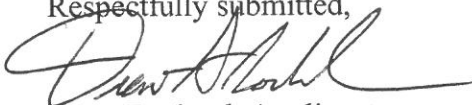
These homes will be situated, painted and maintained to complement the Overleaf and Fireside setting. There will be skirting around the bottom of the homes.

Photos are included with this application to give a representation of what a park model home will look like.

Property Line Adjustment

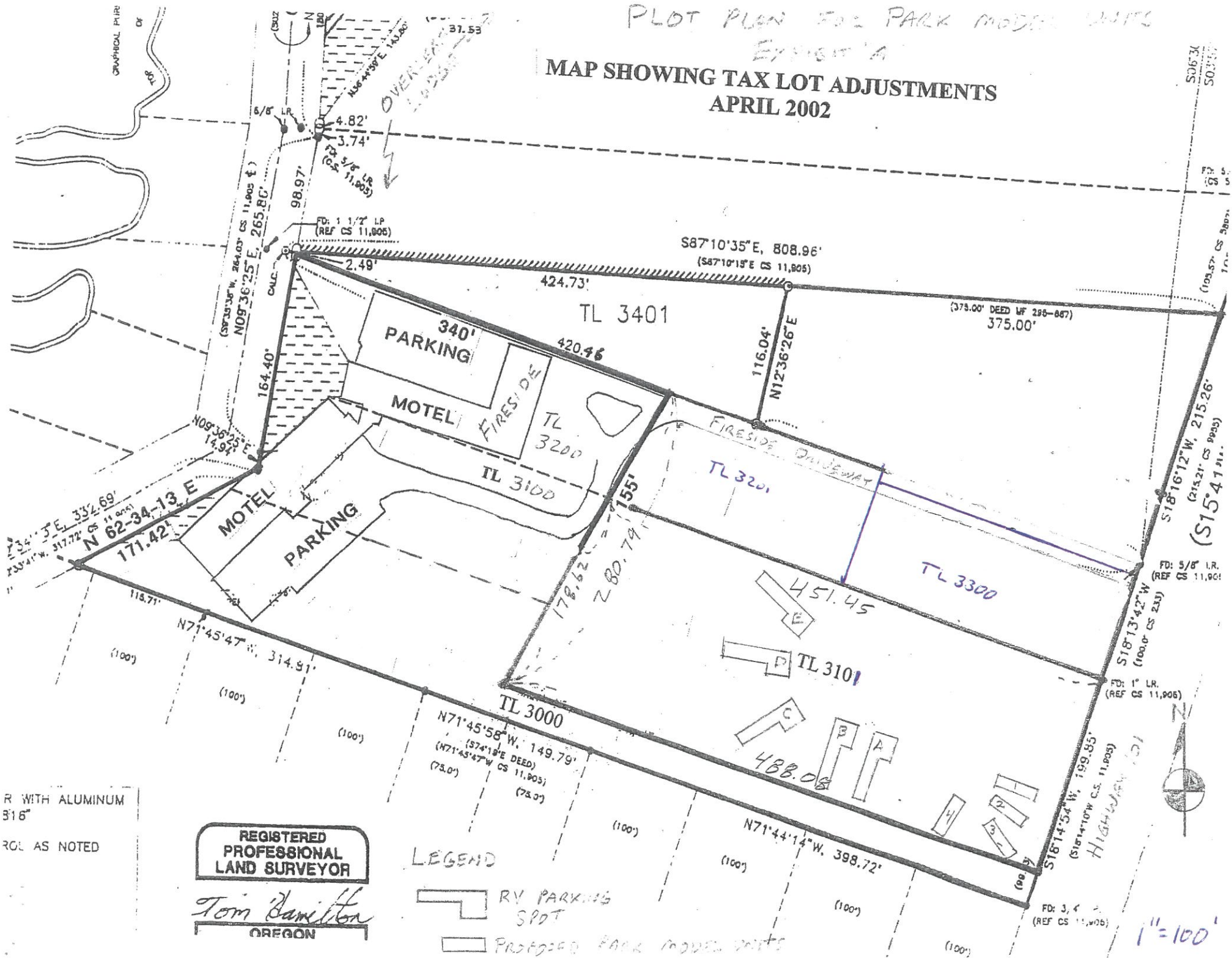
Earlier in September I submitted an application for property line adjustment to the City. That application is being processed. Assuming that is approved, the subject tax lot of this CUP, 3101, will gain 25 feet along the south property line and lose an equal amount of area on the west end of the lot. Please see attached Exhibit E which shows the area gained by tax lot 3101 in yellow and the area lost in orange. Assuming that this Property Line Adjustment is approved, there will be an additional 25 feet of usable lot area south of where the park model homes are shown on the other exhibits. This will allow more flexibility in home alignment and more of the large spruce trees will be retained. The existing TL 3101 currently has 1.89 acres and will retain the same acreage after the adjustment.

Respectfully submitted,



Drew Roslund, Applicant

MAP SHOWING TAX LOT ADJUSTMENTS
APRIL 2002



502

2" PRIVATE W/L

TL 3201 D. 47 ACRES

OWNER: GRAND PACIFIC LLC

305

OPEN DITCH

LAWN

LAWN

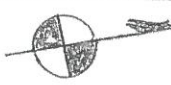
TL 3301

OWNER: GRAND PACIFIC LLC

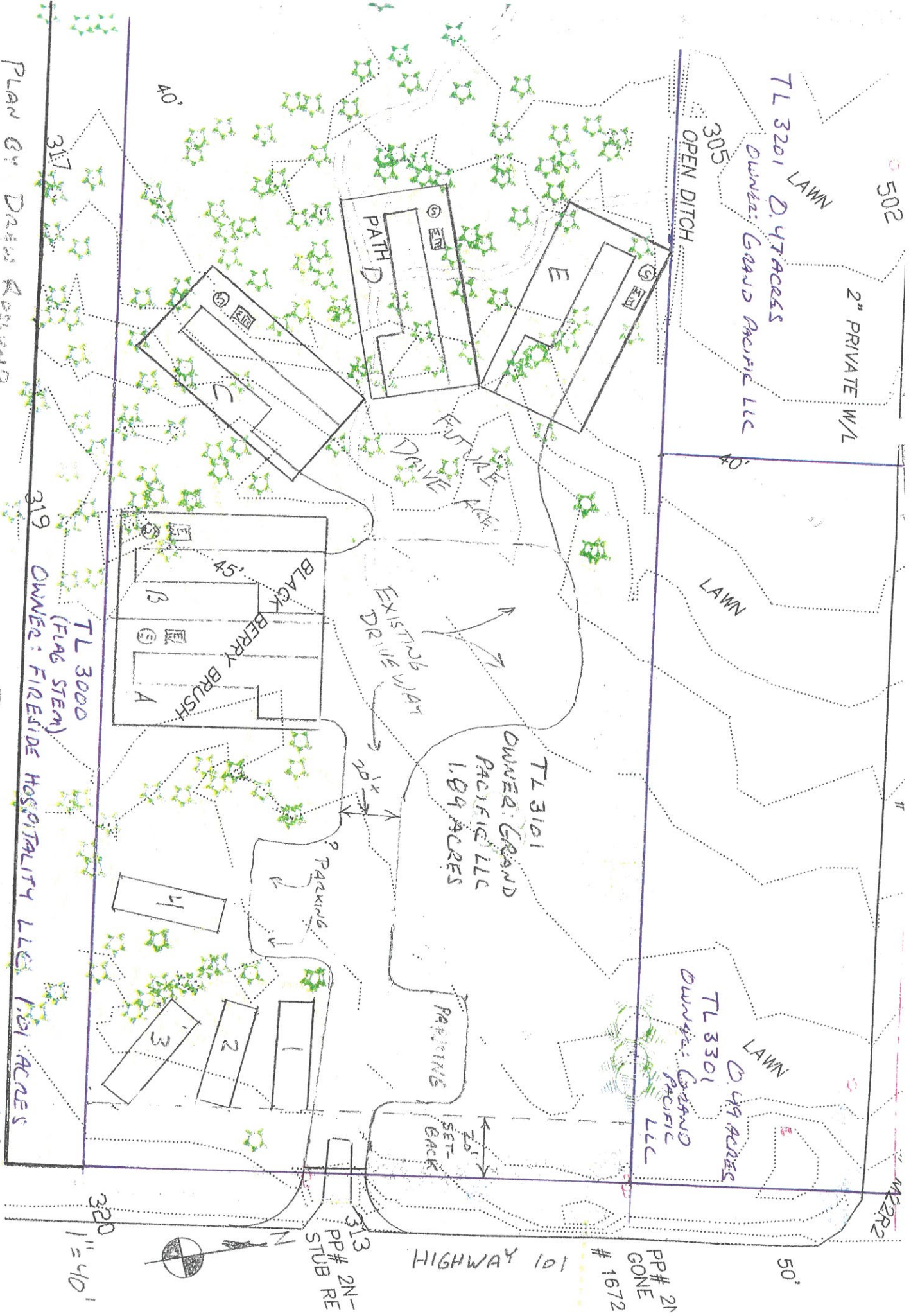
PP# 21
CONE
1672

HIGHWAY 101

PP# 2N-
STUB RE



320
1"=40'



PLAN BY DARRY ROSSANO

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

EXISTENT 2'

TL 3000 (FLAG STEM) OWNER: FIRESIDE HOSPITALITY LLC 10.1 ACRES

BLACK BERRY BRUSH

FUTURE DRIVE AVE

EXISTING DRIVE WAY

TL 3101
OWNER: GRAND PACIFIC LLC
1.84 ACRES

PARKING

PARKING

20'
1 SET-
BACK

45'

A B C

PATH D

E

C

4

3

2

1

317

319

313

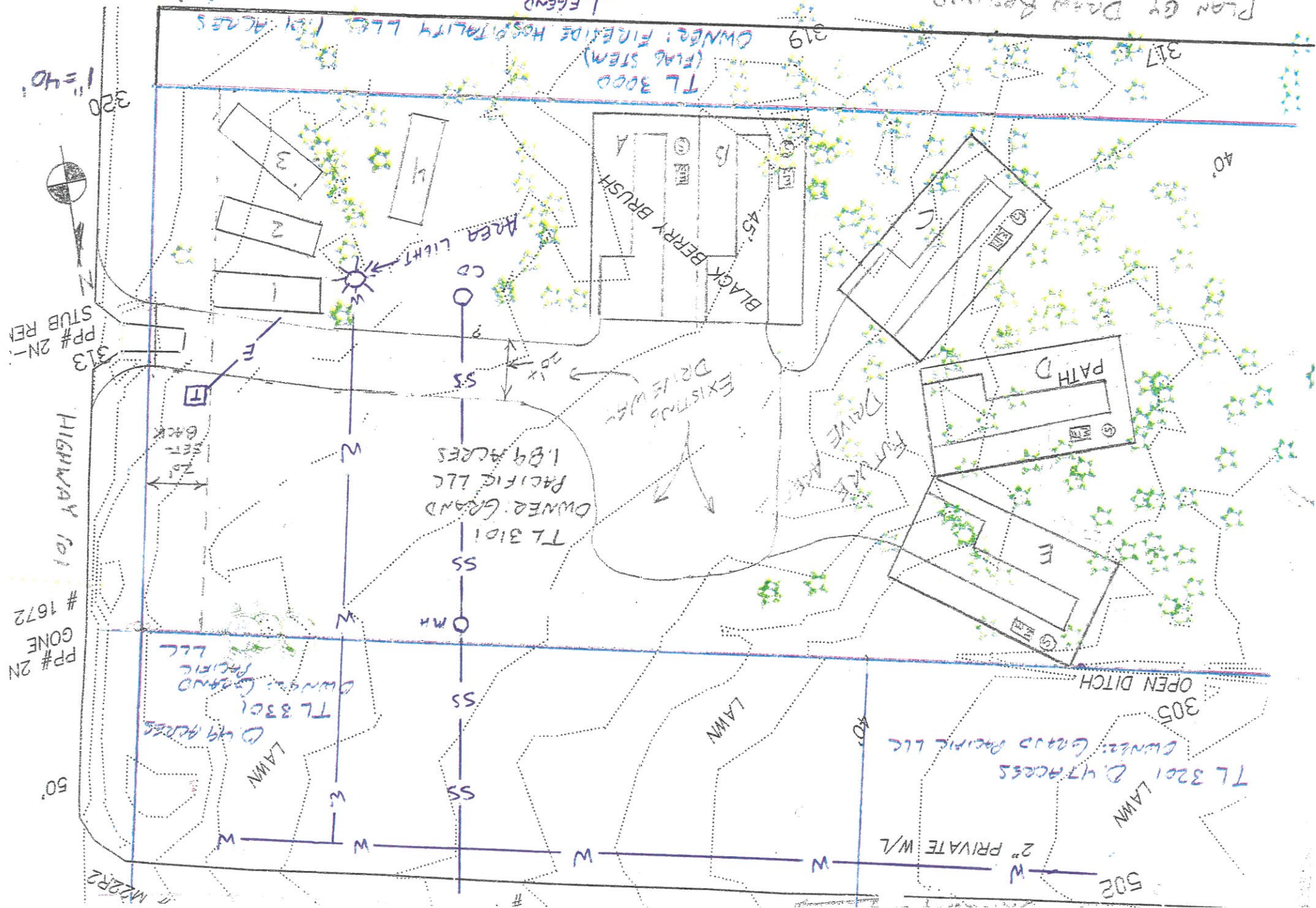
50'

PLAN BY DARR KOSUND

EXHIBIT 'C' UTILITY & LIGHTING

N 71°44'29" W 398.75'

- LEGEND**
- E— TRANSFORMER
 - SS— ELECTRICAL LINE
 - W— O.M.H. MAN HOLE
 - SS— SANITARY SEWER LINE
 - W— WATER LINE



PP# 2N-1
STUB REIN

PP# 2N
GONE # 1672

PP# 2N
GONE # 1672

PP# 2N
GONE # 1672

502

2" PRIVATE W/L

TL 3201 2.47 ACRES
OWNER: GRAND PACIFIC LLC

305 OPEN DITCH

SIMS

SIMS

SIMS

SIMS

LAWN

EXISTING STORM SEWER LINE

TL 3301 2.49 ACRES
OWNER: GRAND PACIFIC LLC

LAWN

50'

HIGHWAY 101

PP# 2N GONE # 1672

313 PP# 2N-1 STUB REM



320 1"=40'

40'

PATH D

E

C

BLACK BERRY BRUSH

4

3

2

1

FUTURE DRIVE AREA

EXISTING 10" DRAIN

TL 3101
OWNER: GRAND PACIFIC LLC
1.89 ACRES

PLAN OF DRAINAGE

N 71°44'29" W 398.75'

TL 3000 (FLAG STEN)
OWNER: FIREHOUSE HOSPITALITY LLC 1.24 ACRES

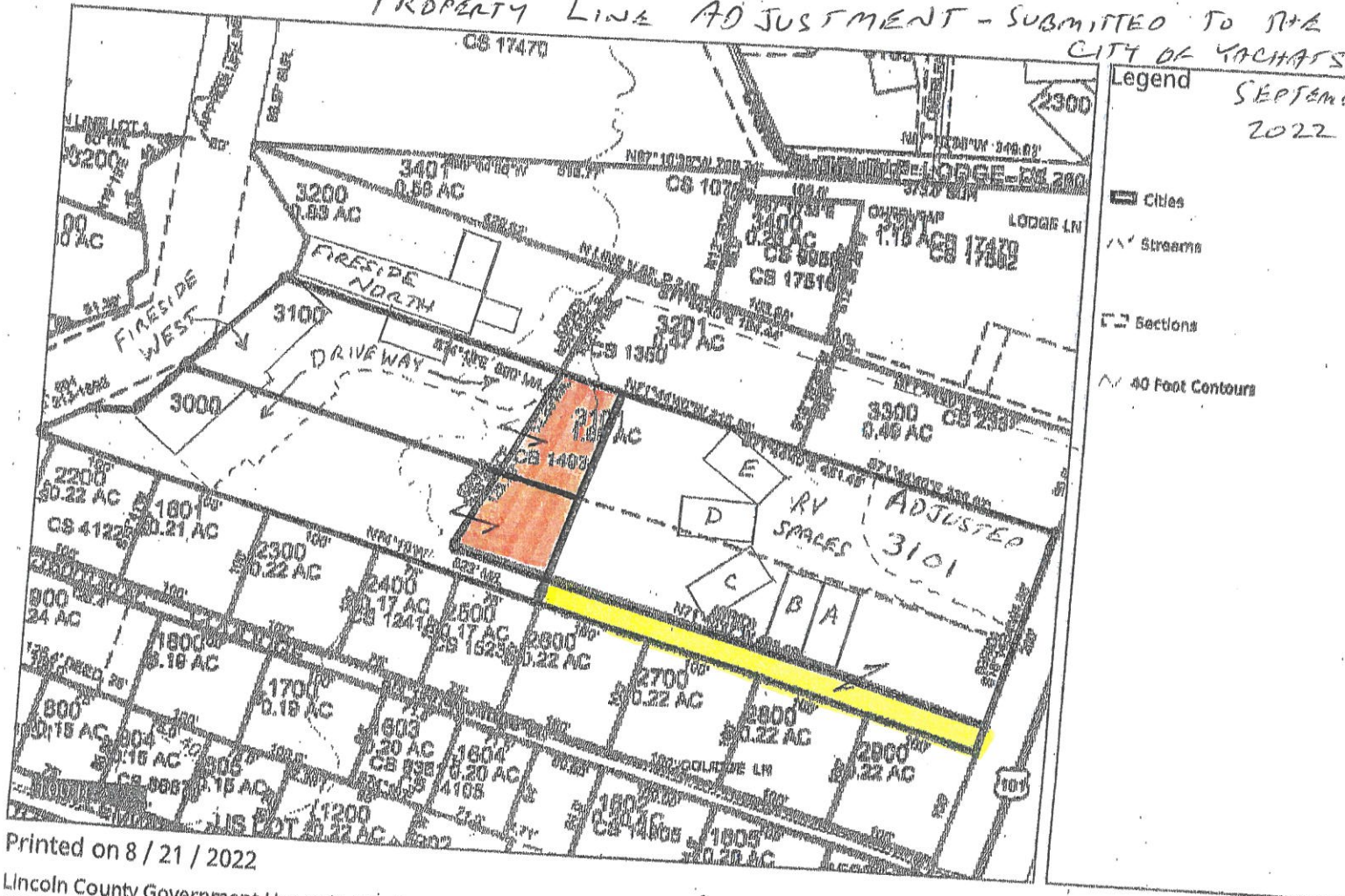
THICAL SURFACE WATER DRAINAGE

EXHIBIT "E"

TAX LOTS SHOWING THE AREA
ADDED TO EACH

PROPERTY LINE ADJUSTMENT - SUBMITTED TO R+L
CITY OF YACHTS

Legend
SEPTEMBER
2022



Printed on 8 / 21 / 2022

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FIRESIDE ADDED AREA 1" = 150' ± (APPROXIMATE)

OVERLEAF ADDED AREA



PRELIMINARY SPECIFICATIONS FOR A STATE HIGHWAY APPROACH

Oregon Department of Transportation

Completion Date: 09/30/2023

Application Id: 90331 District: 04 Highway Number: 009 MilePoint: 163.510 Reason for Request: Inventory Exist

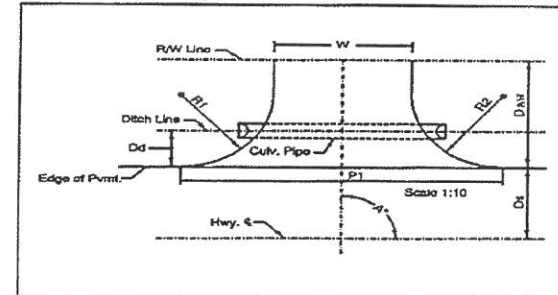
Permittee Information

Name: Drew Roslund	
Company: Grand Pacific LLC	
Mailing Address: 320 SW Century Drive, STE 405-401 Bend, OR 97702	
Phone: (541)	FAX: () -
eMail: drew@overleaf lodge.com	

Property Information

Address: 1900 HWY 101 N YACHATS OR 97498			
County: Lincoln	District: 04		
Highway: Oregon Coast	Hwy #: 009	Route: US101	
MilePoint: 163.510	Engineering Station: 1809+98	Side of Hwy: R	Public/Private: Private
Permit Description: Proposed 5 RV's			

Plan View



Insurance Information

Company:	
Policy No:	Amount:
Policy Begin:	Policy End:

Tax Lot Information

Township	Range	Section	Tax Lot
14S	12W	22	3101



RENEWS: 12-31-2022

**Brian Scott 2022.04.11
Nelson 11:19:08 -07'00'**

Specification

Width (W): 20.00ft	Angle (A): 90
Radius 1 (R1): 20.00ft	Radius 2 (R2): 20.00ft
Paving Lmt (P1):	Paving Lmt (P2):
Surf (Ds): 20.00ft	Ditch (Dd): 20.00ft
Culvert: None	Diam: Len:
Sub Base Crse:	Thickness:
Base Crse: 19mm - 0 Aggregate Base (3/4" - 0)	Thickness: 8.00in
Level Crse: LEVEL 2, 1/2 INCH DENSE HMAC	Thickness: 2.00in
Wear Crse: LEVEL 2, 1/2 INCH DENSE HMAC	Thickness: 2.00in

Performance Bond Information

Company:	
Bond No:	Amount:

Property Owner Information

Name: Drew Roslund	
Company: Grand Pacific LLC	
Mailing Address: 320 SW Century Drive, STE 405-401 Bend, OR 97702	
Phone: (541) 815-0045	FAX: () -
eMail: drew@overleaf lodge.com	

Notice: The specifications contained in this document describe the construction specifications that ODOT will require for development of your state highway approach. Your signature on this document signifies receipt and acceptance of the construction specifications. A separate *Permit to Construct a State Highway Approach* will be issued pursuant to the terms of OAR 734-051-5010 through 734-051-5060.

Applicant Signature	Date	These construction specifications are not an authorization to construct the approach.
Local Agency Approval (if required)	Date	

PERMIT NO: 57919**PERMIT TO CONSTRUCT A
STATE HIGHWAY APPROACH****Completion Date: 09/30/2023**

Application Id: 90331

District: 04

Highway Number: 009

MilePoint: 163.510

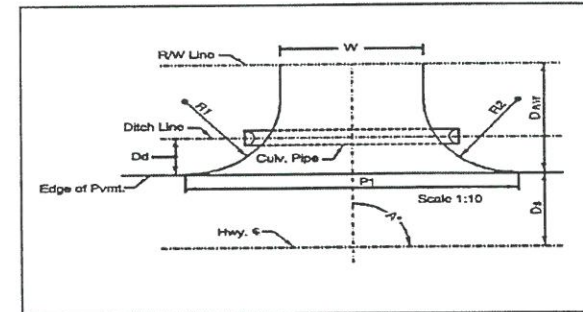
Reason for Request: Inventory Exist

Permittee Information

Name: Drew Roslund	
Company: Grand Pacific LLC	
Mailing Address: 320 SW Century Drive, STE 405-401 Bend, OR 97702	
Phone: (541) 815-0045	FAX: () -
eMail: drew@overleaf lodge.com	

Property Information

Address: 1900 HWY 101 N YACHATS OR 97498			
County: Lincoln	District: 04		
Highway: Oregon Coast	Hwy #: 009	Route: US101	
MilePoint: 163.510	Engineering Station: 1809+98	Side of Hwy: R	Public/Private: Private
Permit Description: Proposed 5 RV's			

Plan View**Insurance Information**

Company: Sandin Insurance Group	
Policy No: BSP354814	Amount: \$1,000,000
Policy Begin: 11/01/2021	Policy End: 11/01/2022

Tax Lot Information

Township	Range	Section	Tax Lot
14S	12W	22	3101

Specification

Width (W): 20.00ft	Angle (A): 90
Radius 1 (R1): 20.00ft	Radius 2 (R2): 20.00ft
Paving Lmt (P1):	Paving Lmt (P2):
Surf (Ds): 20.00ft	Ditch (Dd):
	R/W (Drw): 20.00ft
Culvert: None	Diam:
Sub Base Crse:	Len:
	Thickness:
Base Crse: 19mm - 0 Aggregate Base (3/4" - 0)	Thickness: 8.00in
Level Crse: LEVEL 2, 1/2 INCH DENSE HMA	Thickness: 2.00in
Wear Crse: LEVEL 2, 1/2 INCH DENSE HMA	Thickness: 2.00in

Performance Bond Information

Company: Hanover Insurance Co.	
Bond No: 1095060	Amount: \$10,000

Property Owner Information

Name: Drew Roslund	
Company: Grand Pacific LLC	
Mailing Address: 320 SW Century Drive, STE 405-401 Bend, OR 97702	
Phone: (541) 815-0045	FAX: () -
eMail: drew@overleaf lodge.com	

Instructions

Issuing of permits under these regulations is not a finding of compliance with the statewide planning goals or the acknowledged comprehensive plan for the area. Permits are issued subject to the approval of city, county or other governmental agencies having authority to regulate land use by means of zoning and/or building regulations. It shall be the applicant's responsibility to obtain any such approvals including, where applicable, local government determinations of compliance with statewide planning goals. All materials and workmanship shall be in accordance with current Oregon Standard Specifications for Highway Construction.

The Permit is issued subject to the provisions of Oregon Administrative Rules 734-051-1010 through 734-051-5080, which are by reference made a part of this permit; and which are in effect at any particular time in the duration of the permit.

This permit is not valid until signed by a duly authorized representative of the Oregon Department of Transportation.

Local Agency Approval (if required)	Date	Authorized ODOT Signature <i>[Signature]</i>	Date 6/1/22
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Case File: #1-CU-PC-22
Date Filed: September 19, 2022
Date Application Deemed Complete: September 19, 2022
120-Day Completion Date: January 17, 2023
Hearing Date: November 15, 2022
Previous Action: #1-CU-PC-21

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 the placement of up to four (4) park model homes to be used solely for workforce housing for employees of the Overleaf Lodge and Fireside Motel.
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. There are five (5) RV spaces approved for the subject property.
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” means:

1. A residential *trailer*, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962;
2. A mobile home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction;
3. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

“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.

Note: ORS 446.03 (21) says

- (a) “Manufactured dwelling” means a residential trailer, mobile home or manufactured home.
- (b) “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to [ORS 455.100 \(Duties of director\)](#) to [455.450 \(Prohibited acts\)](#) and [455.610 \(Low-Rise Residential Dwelling Code\)](#) to [455.630 \(Enforcement\)](#) or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

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: 4.75 units per acre are proposed. This calculation includes the 5 RV

sites previously approved.

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: *9,147.6 square feet per unit is proposed. This calculation includes the 5 RV sites previously approved.*

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

Applicant Response: All houses will meet the setbacks as identified in the ordinance. The maximum foot print of a park model is 450 square feet. Therefore we are proposing a maximum coverage of less than 2000 square feet. The lot size is 1.89 acres which equates to approximately 82,300 square feet.

Staff Response: *The detailed plot plan (Exhibit B) shows 5 RV sites at 35'x65' each and 4 home sites at a maximum of 450 sq ft each. The required setbacks are 10 feet on the side yards (see YMC Chapter 9.68.030 C(10)), 20 feet on the front, 10 feet on the rear. 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 37,047 square feet. The total footprint of all 9 sites proposed is 13,175 square feet, or 16%.

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: Vehicle access is provided from a driveway on Highway 101. A copy of the permit obtained from ODOT is included with this application.

Staff Response: *The proposed ODOT approach consists of a 50 foot apron that narrows to a 20 foot access road on the subject property. 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 to each home from the parking areas and the occupants 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. In the 20-foot setback to Highway 101, we will plant trees and shrubs that will help obscure highway traffic and dampen noise too.

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: Separation between buildings - Required separation between park models will meet all building code and fire prevention requirements.

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;

Applicant Response: The proposed park model homes will be constructed off site and delivered to our property. They will be placed, the wheels removed and the homes attached to concrete pads or foundations as required by the Lincoln County building department to meet the standards for homes with this proximity to the ocean. Additionally, we will upgrade the fasteners (staples and nails), water leak prevention and roofing to meet the environmental elements (wind, rain and salt air) of this location.

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

Applicant Response: Two off street parking spots are assigned to each dwelling site.

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;
- 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

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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 place four park model homes on 1.89 acres in the R-4 Residential Zone. The Yachats Municipal Code provides a definition and standards for a manufactured dwelling park as a conditional use in the R-4 zone. The applicant applied for and received a conditional use permit in June of 2021 for a 5-unit "manufactured dwelling/recreational vehicle park". This application is basically a second phase of that 2021 project.

2. Public Testimony Received

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

3. Proposed Lot Line Adjustment

The applicant has submitted a proposal for a property line adjustment that affects Tax Lots 3000, 3100 and 3101. Maps of the existing and proposed tax lots are attached. Tax Lot 3101 (the subject property) would remain at 1.89 acres so no calculations of lot coverage, density, etc would be affected.

4. 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.

5. 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) 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.
- 2) If the proposed property line adjustment is not completed, all required setbacks shall be applied to the existing lot lines. If the proposed property line adjustment is completed, all required setbacks shall be applied to the new lot lines.

Submitted by,

Katherine Guenther
City Planner

Enclosures: Conditional Use Permit application including site plans and narrative
Proposed Property Line Adjustment maps

BEFORE THE PLANNING COMMISSION
OF YACHATS, OREGON

Request for a Conditional Use Permit

Case File #1-CU-PC-21

FINDINGS AND CONCLUSIONS

Applicant

Drew Roslund for Grand Pacific LLC

Nature of the Application

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.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

- A. 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.
- B. The property is zoned R-4 Residential.
- C. The subject property totals approximately 1.89 acres (or 82,328 square feet) with approximate dimensions of 175 x 470 feet.
- D. There are no existing structures on the lot.
- E. 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.
- F. 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.
- G. The property is served by city water and sewer services. Power is provided by Central Lincoln PUD.
- H. No development constraints are identified.
- I. 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.
- J. A public hearing was held before the Yachats Planning Commission on June 15, 2021 at 3:00 p.m. in order to consider the applicant's request. Due notice of the hearing was

given and all interested parties were given an opportunity to present testimony. The applicant provided oral testimony at the June 15, 2021 meeting. Additional written and oral testimony was received at or prior to the June 15, 2021 meeting.

Relevant Criteria

Yachats Comprehensive Plan, Goal G: Control of Urban Growth and Form

Yachats Comprehensive Plan, Goal J: Meeting Housing Needs

Relevant Yachats Municipal Code (YMC) criteria are identified below by title only. Complete descriptions of relevant criteria were provided in the staff report and are herein incorporated into the record.

Chapter 9.04.030 Definitions – “Manufactured dwelling”, “Manufactured dwelling park”, “Manufactured dwelling space”, “Recreational vehicle”, “Recreational vehicle park” and “Recreational vehicle site”

Chapter 9.24.030 R-4 Residential Zone, Conditional Uses

Chapter 9.68.030 Manufactured dwelling parks

Chapter 9.72.010 Authorization to grant or deny conditional use permits

Chapter 9.72.040 Time limit on a conditional use permit

Chapter 9.72.050 Standards and procedures governing conditional uses

Findings

The following is a summary of the Planning Commission findings:

1. The Request and the R-4 Residential Zone

The applicant requested a conditional use permit for a recreational vehicle park of no more than 5 spaces in the R-4 zone. A recreational vehicle park is not explicitly permitted as a conditional use in the R-4 zone. However, Chapter 9.24.030 (D) allows for a manufactured dwelling park as a conditional use and Chapter 9.24.030 (N) permits “other buildings and uses similar ... which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or zones than the buildings and uses specifically listed...”

The Planning Commission determined that a recreational vehicle park is a permitted conditional use in the R-4 zone under Chapter 9.24.030 (N).

2. Conditional Use

In taking action on a conditional use permit application, the Planning Commission may either permit or deny the application. The Planning Commission’s action must be based on findings addressing the requirements of the comprehensive plan and zoning ordinance. In permitting

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Findings and Conclusions

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 the standards for a manufactured dwelling park. The standards are identified below in italics and followed by the Planning Commission's findings.

- 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.*

PLANNING COMMISSION FINDINGS: The applicant submitted the required application form and fee and a public hearing was held.

- B. *Permitted Locations:*

1. *Residential zone R-3;*
2. *Residential zone R-4;*
3. *Commercial zone C-1.*

PLANNING COMMISSION FINDINGS: 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;*

PLANNING COMMISSION FINDINGS: All utilities will be underground.

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

PLANNING COMMISSION FINDINGS: A maximum of 2.65 units per acre is proposed.

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

PLANNING COMMISSION FINDINGS: The subject property is 1.89 acres but the applicant owns two adjacent undeveloped R-4 lots totaling 0.96 acres that could be incorporated if necessary.

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

PLANNING COMMISSION FINDINGS: A minimum of 16, 465 square feet per unit is proposed.

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

PLANNING COMMISSION FINDINGS: All setback and lot coverage requirements have been met.

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Findings and Conclusions

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;*

PLANNING COMMISSION FINDINGS: The existing road connecting with Highway 101 meets these standards. The proposed access road will be widened to 20 feet.

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;*

PLANNING COMMISSION FINDINGS: 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;*

PLANNING COMMISSION FINDINGS: See #7 above.

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;*

PLANNING COMMISSION FINDINGS: 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;*

PLANNING COMMISSION FINDINGS: Satisfied by the applicant's site plan.

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*

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Findings and Conclusions

buildings, when not attached to the manufactured dwelling, shall not be closer than six feet from any manufactured dwelling or structure;

PLANNING COMMISSION FINDINGS: Satisfied by the applicant's site plan.

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

PLANNING COMMISSION FINDINGS: Satisfied by the applicant's site plan.

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

PLANNING COMMISSION FINDINGS: Not applicable.

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

PLANNING COMMISSION FINDINGS: Each site includes one RV parking space and one additional space.

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;*

PLANNING COMMISSION FINDINGS: Screening will be required where the subject property abuts a residential zone.

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

PLANNING COMMISSION FINDINGS: Not applicable.

D. Site and Development Plan.

PLANNING COMMISSION FINDINGS: Satisfied by the applicant's site plan and narrative.

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;*
- 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;*

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- 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;*
 - 4. 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*

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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)

Conclusions

Based on the above facts and findings, the Yachats Planning Commission finds:

- A. The site under consideration is suitable for the proposed use considering the location.
- B. The proposed use is compatible with existing and projected uses on surrounding lands.
- C. The use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, and does not constitute an unusual fire, explosion or other physical hazard.

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Findings and Conclusions

Order

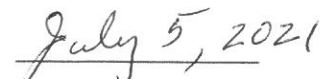
It is ORDERED by the Yachats Planning Commission that the requested Conditional Use Permit for Case File #1-CU-PC-18 is hereby approved. Said approval is subject to the following conditions:

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.
4. Maximum occupancy of the recreational vehicle park is limited to 10 people.
5. The RV sites shall be for the exclusive use of employees of the Overleaf Lodge and Fireside Motel.
6. The conditional use permit shall be valid for a period of two years with the possibility of up to three one-year extensions thereafter.

This ORDER was presented to and approved by the Yachats Planning Commission on June 15, 2021.



Lance Bloch, Yachats Planning Commission Chair



Date

TO: Lance Bloch

FROM: John T.

DATE: November 9, 2022

SUBJECT: Fences, Walls, and Hedges Code Amendment

Lance, I've been reviewing the proposed fences, walls, and hedges code amendment that Council remanded to the Planning Commission and have the following thoughts:

1) Regarding the definitions proposed for Section 9.04.030:

I'm fine with striking the words "grown as" from "Hedge" as suggested by Mayor Valeer;

I'm fine with deleting the second sentence starting with "The size of...." from "Required Yard" as suggested by one of the Councilors;

I'm not fine with deleting the second and third sentences starting with "Knuckle selvage is...." from "Selvage" as suggested by Mayor Valeer; and

I'm fine with keeping the words "the particular use from view" from "Sight-Obscuring Fence" as questioned by Councilor O'Shaughnessey.

I don't think the Mayor or Council got beyond Section 9.04.030 with their comments.

2) I'd like to ask you three additional questions not raised by Council.

"Hedge", as defined, means an evergreen planting which is ~~grown as~~ a Sight-Obscuring Fence between two properties."

"Sight-Obscuring Fence" is to be defined as "a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view."

"Screening Buffer" is to be defined as "a fence, hedge, or wall that blocks at least 70 percent of the view between uses. The buffer shall not....."

Since a hedge is defined as a sight-obscuring fence, and a sight-obscuring fence is to be continuous, how can a hedge which needs to block at least 70 percent of the view, be considered continuous?

As a remedy, what if we defined hedge without using the words "sight-obscuring fence"? The City of Philomath defines a "hedge" as follows:

“Hedge – typically vegetation planted for the purpose of serving as a boundary, buffer, or divider between areas, or for landscaping or privacy.”

Also, for Sections 9.12.040, 9.16.040, 9.20.040, and 9.24.040, what if we deleted “Where a residential use abuts another residential use, or a non-residential use, or a residentially- or non-residentially zoned lot,.....” from the first part of that standard (since it really doesn’t matter what use exists or is planned on an abutting property), and simply worded it as:

“A fence, wall, hedge, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six (6) feet in height (except where the Clear-Vision Area would be impaired as defined in herein), or no more than eight (8) feet in height when permitted by Conditional Use in accordance with Chapter 9.80 of YMC. When such a fence, wall, hedge, or sight-obscuring fence is placed above a retaining wall immediately adjacent to a property line, the combined height of the wall and fence shall not exceed eight (8) feet.”

Finally, Section 9.64.010(B): Fences, Hedges and Walls reads as follows:

“Fences, Hedges, and Walls may be located within required yards, but shall not exceed three (3) feet in height within the Clear-Vision Area diagram below. Hedges that front.....”

Can we revise this to read as:

“Fences, hedges, and walls may be located within required yards as permitted by zoning, but shall not exceed three (3) feet in height within the Clear-Vision Area as illustrated in the diagram below. Hedges that front.....”

There just seemed to be some wording missing.

**City of Yachats Building Activity
January 1 - November 15, 2022**

Project Name	Description	Parcel #	Address	Zone	Opened	Status
VALLERAND	New Manufactured Home	14-12-27-AD-400	970 Highway 101 N	R3	1/6/22	Permit Issued
RUANE	New Detached Garage	14-12-27-AB-100	591 Aqua Vista Loop	R2	1/20/22	Permit Issued
TRIMBLE	Enclose Existing Deck	14-12-27-AD-5400	882 Driftwood Lane	R1	1/27/22	Permit Issued
GORDON	New SFR	14-12-27-AA-1403	522 Aqua Vista Loop	R2	2/15/22	Permit Issued
BERTRAND	2nd Floor Deck	14-12-27-DA-2100	167 East 3rd Street	R1	3/14/22	Permit Issued
REEVES	Garage Addition	14-12-22-DD-800	551 Lemwick Lane	R2	3/18/22	Permit Issued
OCEAN SCENES	New Mixed-Use Building	14-12-27-DA-1400	450 Highway 101 N	C1	3/24/22	Permit Issued
OCEAN SCENES	New Mixed-Use Building	14-12-27-DA-1300	470 Highway 101 N	C1	3/24/22	Permit Issued
ALMARODE	New SFR	14-12-26-BB-3600	250 Windsong Street	R1	4/1/22	Permit Issued
EDDY	2nd Floor Deck	14-12-34-AC-2100	561 Overlook Drive	R1	4/6/22	Permit Issued
SIMANS	Deck Replacement	14-12-34-AC-7500	69 Gender Drive	R1	4/22/22	Withdrawn
DUBOSE	Foundation Repair	14-12-34-AC-4501	580 Highway 101 S	R1	4/22/22	Permit Issued
TAKEI	New SFR	14-12-26-CC-1600	271 Combs Circle	R1	5/3/22	Permit Issued
BERDIE	Support for Solar Panels	14-12-26-CB-1000	319 East 3rd Street	R1	6/3/22	Permit Issued
SMALL	Deck Replacement	14-12-26-CB-7800	279 Horizon Hill	R1	6/16/22	Permit Issued
RAMSEY	Support for Solar Panels	14-12-27-DA-8402	215/217 West 2nd	C1	7/29/22	Permit Issued
FIFE	New SFR	14-12-26-CB-7900	480 East 3rd Street	R1	9/13/22	Permit Issued
McCOY	26'x30' Addition	14-12-22-DD-811	263 Lemwick Lane	R2	9/14/22	Permit Issued
CHAMBERS	New SFR	14-12-22-DD-1200	487 Lemwick Lane	R2	10/3/22	Awaiting Review (LC)
HALLA	New SFR	14-12-27-AA-1315	401 Aqua Vista Loop	R2	10/3/22	Ready to Issue (LC)
TESAURO	New SFR	14-12-26-BB-5200	XX Horizon Hill Road	R1	10/27/22	In Review (CoY)