

1. 2:00 P.M. Agenda

Documents:

[2023-04-18 Planning Commission Agenda.pdf](#)

2. Meeting Material

Documents:

[Kraus Application.pdf](#)
[Kraus Staff Report.pdf](#)
[Kraus Testimony.pdf](#)
[Glaze Application.pdf](#)
[Glaze Lot Consolidation.pdf](#)
[Glaze Plot Plan Option 1.Pdf](#)
[Glaze Staff Report.pdf](#)
[Glaze Testimony.pdf](#)
[Center Way Easement.pdf](#)
[City Planner Draft Memo.pdf](#)
[2023-03-14 Planning WS Summary.pdf](#)
[2023-03-28 Planning Summary.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Tuesday, January 2023, at 2:00 pm
To Be Held Via Zoom & In Person Located at:
Commons Bldg., Civic Meeting Room 1
441 Hwy 101 N., Yachats OR 97498

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)

Regular Meeting

- I. Meeting Called to Order
- II. Announcements, Proclamations, and Correspondence
- III. Citizens' Concerns (limited to items not on the agenda, 5-minute limitation per person)
- IV. Current Business
- VI. New Business
- VII. Public Hearing (if any)
 - a. Case File #1-VAR-PC-23 Henkens Variance Application
 - b. Case File #2-CU-PC-23 Krause Conditional Use Application
 - c. Case File #4-CU-PC-23 Glaze Conditional Use Application
- VIII. Reports (Provided written reports)
 - a. Meeting Summaries – March
 - b. Planners Report - Verbal
- IX. Other Business
 - a. From Commission
 - b. From 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. POSTED 04/13/23 By: Kimmie Jackson, Deputy City Recorder

BED AND BREAKFAST APPLICATION

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

Date Received: 1/1

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

Applicant: DOUGLAS KRAUS

Site Address: 355 HORIZON HILL RD., YACHATS, OR 97498

Mailing Address: P.O. BOX 282 City: YACHATS State: OR Zip: 97498

Daytime Phone: 714 914-2338

Legal Description: Y4N1: YACHATS RESIDENTIAL HOME Current Zone: R-1

23' x 101' x 87' x 119' x 89' x 113'  Area: .44 acre
See attached

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

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

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

A morning meal will be provided ☒ yes ☐ no

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

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

Number of bedrooms to be rented: 2

Parking spaces available: 3

BED AND BREAKFAST APPLICATION

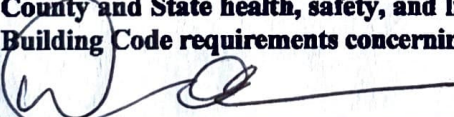
SUPPLEMENTAL REQUIRED INFORMATION

Mark all attached to application:

- ☒ Site Plan of subject property showing all property lines, location, extent, and arrangement of all off-street parking.
- ☒ Existing and proposed structures and their location in relationship to property lines.
- ☒ Location of access to adjacent arterial or collector.
- ☒ Narrative which addresses applicable ordinance standards (required for all land use actions).
- ☐ Other:

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

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



Signature of Applicant

2/14/23
Date

355 Horizon Hill Road



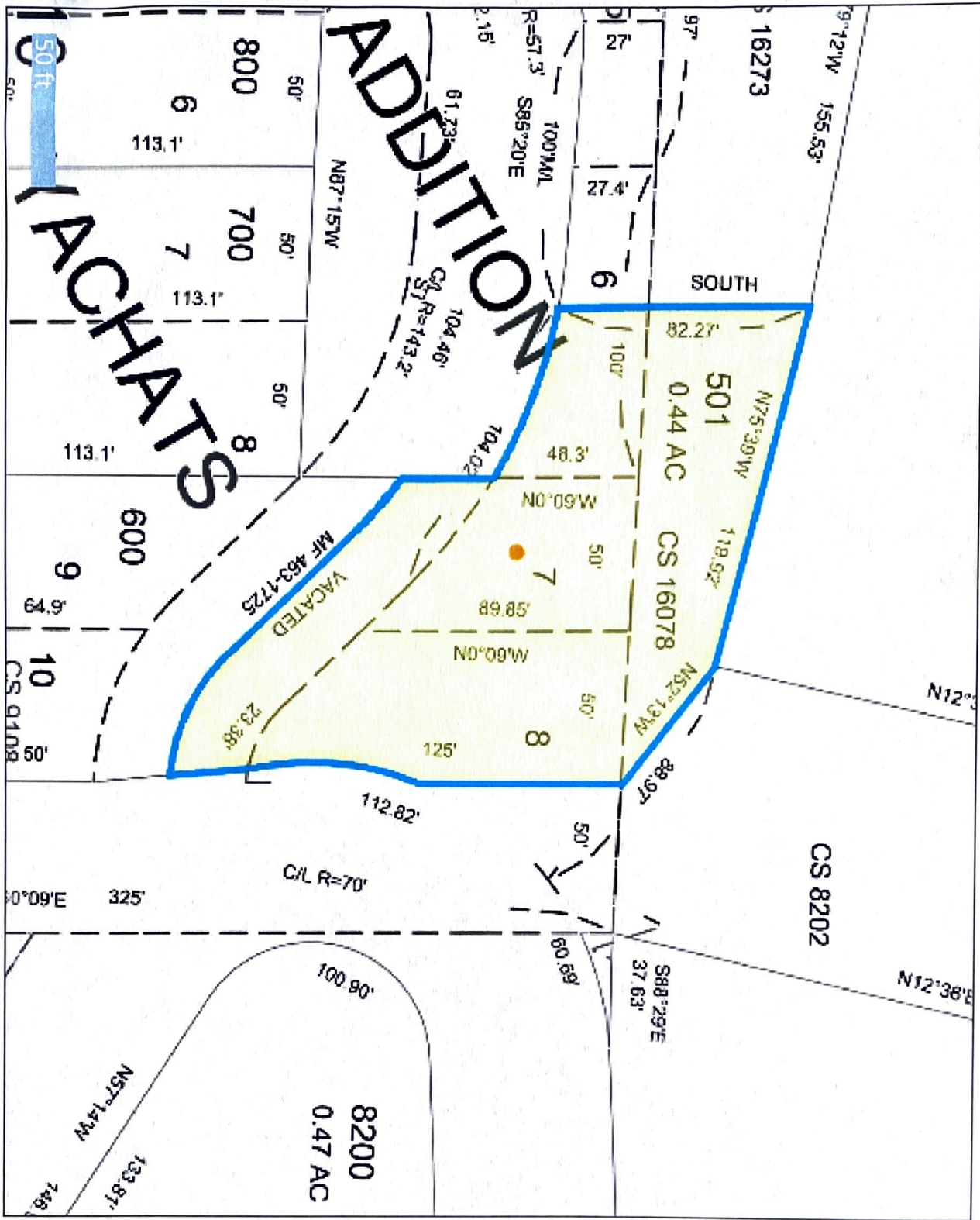
Legend

Printed on 2 / 14 / 2023

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355 Horizon Hill Road

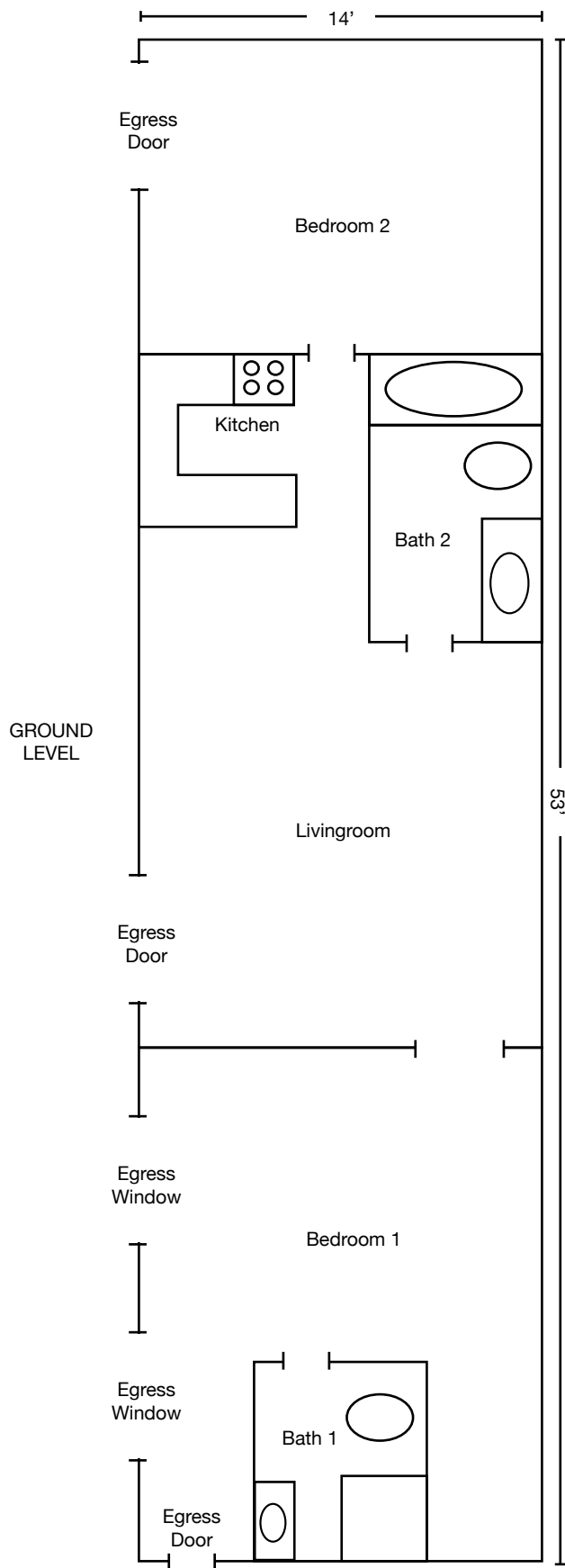


Legend

Printed on 2 / 14 / 2023

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Douglas Kraus

355 Horizon Hill
Bed and Breakfast

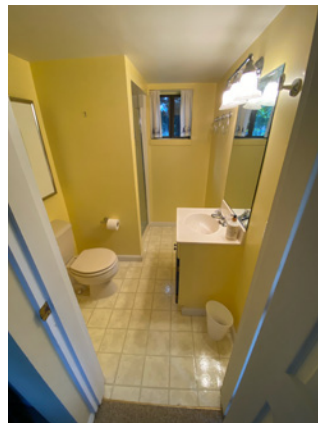
Floor Plan

Douglas Kraus

355 Horizon Hill
Bed and Breakfast



4 car driveway
+ 2 car garage



CASE FILE: #2-CU-PC-23
DATE FILED: February 16, 2023
DATE APPLICATION DEEMED COMPLETE: February 16, 2023
HEARING DATE: March 21, 2023
PREVIOUS ACTION: None

STAFF REPORT

Conditional Use Application

APPLICANT: Douglas Kraus

A. REPORT OF FACTS

1. **Property Location:** The subject property is located at 355 Horizon Hill Road and described on the Lincoln County Assessor's Map 14-12-26-CB as Tax Lot 501.
2. **Applicant's Request:** The applicant is requesting a conditional use permit to operate a two-bedroom Bed & Breakfast within a single-family dwelling.
3. **Zoning:** Residential Zone R-1
4. **Plan Designation:** Residential
5. **Lot Size and Dimensions:** The subject property totals 0.44 acres or approximately 19,166 square feet.
6. **Existing Structures:** There is one single-family dwelling on the property.
7. **Topography and Vegetation:** The subject property is gently sloped. The property is landscaped with grass, trees and shrubs.
8. **Surrounding Land Use:** Surrounding land use consists primarily of single-family residential units.
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, and an aerial photograph showing off-street parking.
2. **Relevant Yachats Municipal Code (YMC) Criteria:**

YMC Section 9.04.030 Definitions

"Bed and breakfast facility" means a single-family dwelling containing rooms for rent in accordance with Section [9.72.050](#).

YMC Chapter 9.12 R-1 Residential Zone

Section 9.12.030 Conditional Uses

In an R-1 zone the following uses and their accessory uses may be permitted subject to the provisions of Chapters [9.44](#), [9.48](#), [9.52](#) and [9.72](#) where applicable:

- A. Governmental structure or use of land; and public utility facility;

- B. Home occupation;
- C. Temporary real estate office offering residential property in the immediate vicinity for sale;
- D. Private boat dock;
- E. Bed and breakfast facility. (Ord. 175, 1995; Ord. 73I, 1994; Ord. 73E § 2.010(2), 1992)

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.

Section 9.72.040 Time limit on a conditional use permit.

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

Section 9.72.050 Standards and procedures governing conditional uses.

E. Standards for Bed and Breakfast Facilities.

1. A bed and breakfast facility must be in a one-family dwelling.
2. A maximum of five (5) bedrooms may be rented.
3. The facility shall be the residence of the operator, who is the owner or lease holder of the building.
4. A resident relief manager may be employed for no more than five (5) months per year, unless approved by the Planning Commission.
5. Rooms may not be rented for more than seven (7) consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.
6. The exterior of the building shall maintain a residential appearance.
7. A morning meal must be served on premises and included within the room charge for guests of the facility and shall be the only meal provided.
8. The facility must meet applicable County and State health, safety (including, but not limited to, the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.
9. An externally illuminated sign will be permitted on premises with a maximum area of three (3) square feet, subject to approval by the Planning Commission.
10. One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.
11. A conditional use permit approved for a bed and breakfast facility will be reviewed by the City Planner at the end of each calendar year and the permit renewed for an additional year if permit conditions have been met. The permit may be withdrawn by the Planning Commission if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the City in writing prior to the Planning Commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.
12. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section [9.88.050](#) reduced to one-half.

3. **Public Testimony Received:** At the time this staff report was prepared the City had received several inquiries and one letter of written testimony.

C. STAFF ANALYSIS

1. The Request and the R-1 Residential Zone

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

use in the R-1 zone.

2. Conditional Use

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

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

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

APPLICANT RESPONSE: The residence is a single-family dwelling.

STAFF RESPONSE: While the residence has separate "guest quarters" on the lower level, the Assessor's Office considers it to be a single-family dwelling.

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

APPLICANT RESPONSE: Number of bedrooms to be rented: 2

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

STAFF RESPONSE: The applicant is the owner of the building. The owner must reside at the property while the facility is operating unless a relief manager is on site (See (d) below).

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

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

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

APPLICANT RESPONSE: The exterior of the building will not be altered.

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

APPLICANT RESPONSE. A morning meal will be provided.

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

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

APPLICANT RESPONSE: No sign is proposed.

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

STAFF RESPONSE: Four parking spaces are required for a 2-bedroom B & B (2 parking spaces for the dwelling and 1 parking space per rented bedroom). Two spaces are available in the attached garage and two additional spaces could be accommodated in the driveway.

- k. A conditional use permit approved for a bed and breakfast facility will be reviewed by the City Planner at the end of each calendar year and the permit renewed for an additional year if permit conditions have been met. The permit may be withdrawn by the Planning Commission if it is

determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the city in writing prior to the Planning Commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.

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

D. CONCLUSIONS

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

1. The B&B shall have a maximum of 2 rooms that can be rented.
2. The owner shall reside at the B & B when rooms are rented.
3. A resident relief manager may be employed for no more than five months per year.
4. No room shall be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.
5. The exterior of the building shall maintain a residential appearance.
6. A morning meal shall be served on premises and included within the room charge for guests of the facility.
7. The owner shall retain a City of Yachats business license.
8. No exterior sign shall be installed.
9. Two garage parking spaces shall be maintained for the residents of the facility. A minimum of two additional off-street parking spaces shall be maintained for the rented bedrooms.
10. An increase in the number of rooms rented, over those previously permitted, will require a new conditional use permit with the conditional use fee as provided in Section [9.88.050](#) reduced to one-half.

Submitted by,

Katherine Guenther

City Planner

City Recorder

From: Julie Bailey <juliebocean@outlook.com>
Sent: Wednesday, March 15, 2023 4:27 PM
To: City Recorder
Cc: John Theilacker
Subject: Public Hearing Douglas Kraus Bed and Breakfast 355 Horizon Hill

Greetings,

I am an immediate neighbor to this property, we share a fence line and are houses are clearly visible to each other. I had hoped to meet him over the fence to introduce myself and ask the following question.

While I wish to give the applicant the benefit of doubt I would like him to address the following.

Regarding the code. Section 9.72.050 E Standards for B and B facilities.

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

Since the sale of the property It does not appear that anyone is living there. Lights have only been in the evenings/mornings two or three times. I've only seen folks outside doing landscape maintenance. Evident in the Zillow listing the house has two self contained living areas.

I would like the applicant to assure his neighbors that he will be residing there and that this is not a work around i.e. an absentee or seasonal resident operating a vacation rental.

This is a quiet neighborhood. We all know our neighbors and look out for each other.

Thank you.

Julie Bailey
Full time resident.

From: Nicole Seals <nicoleseals@gmail.com>
Sent: Tuesday, February 28, 2023 3:38 PM
To: City Recorder
Subject: 355 Horizon Hill

Greetings.

As full time residents at 380 Horizon Hill we (Nicole and Patrick Seals) are opposed to proposed development action of a two bedroom bed and breakfast at 355 Horizon Hill.

Horizon Hill (and specifically that corner) at times it can be very dangerous for cars to pass and considering the likely guests of this potential 2 bedroom bed and breakfast establishment won't have experience with the narrow roads on the hill I believe it would be quite dangerous for residents and visitors.

Additionally since it's stated as "two bedrooms" that is a potential for at least 2 extra cars (or more as it can be 2 guests per room as I understand rentals). Is there enough parking to accommodate this that is off street? Parking along the street would become even more dangerous. There is no lighting on the hill which presents additional safety issues for those unfamiliar with the roads. This is truly a neighbourhood.

Please consider this 2 very strong opposing votes. We will also attend the meeting in person as Horizon Hill is largely full time residents or second home owners.

Horizon Hill being our chosen full time home and Yachats our chosen full time community we bought on this hill specifically because of the safety and distance from rentals or turn over rooms.

Thank you for your considerations to those of us directly impacted by a commercial operation in our backyard and by any zoning changes. Please kindly let me know you have received and recorded this email.

Respectfully,
Nicole and Patrick Seals
380 Horizon Hill

Sent from my iPhone

Land Use Application

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

Fee: _____
Date Received: _____

☒ 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: Luke Glaze and Jocelyn Glaze Phone: (971) 261-8992

Address: 770 Stewart St NE

City: Salem State: Oregon Zip: 97301

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

Legal Description: OVERLOOK ADDN. TO YACHATS, BLOCK 7, LOT 8 & LOT 9 Current Zone: C-1

Lot Dimensions: 47' w (at front) or 42' (at rear) x 100' x 2 lots Area: 4356 each lot
8712 Total Flood Zone: N/A

Natural Hazard: _____ Topography: _____

Directions to Property: Located in the heart of Yachats, directly across the street from city hall, 450 & 470 Hwy 101 Yachats.

Previous Planning Actions on Property: This project was approved by the city and county for a mixed use

development including 3 residential units and 2 commercial units.

Reason for Request: Requesting provision for 1500sf of lot size per multifamily dwelling exception as outline in the code. To increase the number of residential units in a housing burdened community and to reduce the financing barriers due to concerns from lenders regarding speculative retail. This will ensure the project is completed and serves the best use for the community.

Existing Structures on Property: There were two existing foundations on the property dating back nearly a decade. The existing foundations have remained and we are now fully framed and roof is installed.

Proposed Use and Structures: The property is zoned C-1 and the proposed use is multifamily. There are two structures. The northern most building will have 3 apartments and the southernmost building will have 2.

Current Utilities and Providers: Water/Sewer - City of Yachats, Electricity - Central Lincoln PUD

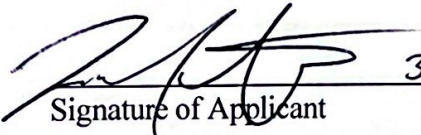
Anticipated Date of Development: The project is already under construction. If there are no significant delays, the project would be completed in Fall of 2023.

Supplemental Required Information

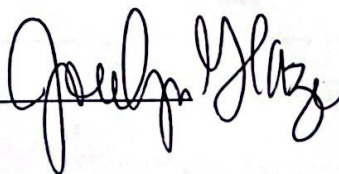
Attachments to Application (check all that apply)

- ☒ 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.


Signature of Applicant

3/18/23



3/19/23

Signature of Property Owner (if other than applicant)

Narrative – Conditional Use – Lot Size/Unit Reduction to 1500sf

Hello Yachats Planning Commission,

My name is Luke Glaze and I had the privilege of purchasing 450 and 470 Hwy 101 with the hope of finishing the 2 buildings that have been sitting unfinished for over a decade. After finding a great local contractor, I began construction on the project while simultaneously seeking the financing I would need to complete the project, only to find banks taking a more conservative position than before. Despite having significant cash invested, the banks were concerned about the speculative nature of the ground-floor retail component of this project.

Currently each building is designed with 1 unit of retail on the ground floor of each building. Due to lot size restrictions of 2500sf/unit of residential, the original plans have only 3 units of residential between the two buildings. After reviewing the zoning & code, I would like to petition the planning commission to approve a reduction of lot size per unit from 2500sf to 1500sf. This would allow each retail unit to be converted into a residential unit. The 2 buildings would then be pure multifamily with 5 total units. The building currently meets all of the requirements, including parking, sprinkled, ect.

A lot consolidation request has been submitted to the county and the approval today can be contingent on the lots being combined. Once combined, the lots will total 8712sf and can accommodate 5 units at this reduced lot size/unit. If at all possible, I would request approval for 6 units, rounding up to the nearest unit.

I believe this change will ultimately be a benefit to the community as there seems to be a major shortage of residential units available in Yachats. It will do all this without causing any negative impact on its neighbors or any changes to the building façade. These units' range in size from 1000sf – 2600sf and from 1-bedroom units to 4-bedroom units.

Parking Requirements:

5 Units: 7.5 Spaces

6 Units: 9 Spaces

Parking Planned: 14 spaces

Lot Size and Unit Calculations

Lot Size $4356 \times 2 = 8712\text{sf}$

Minimum Lot Size/Unit = 1500

Total Allowable Units = 5.8 units

Desired Units = 6 units preferred but would accept 5 as well.

OWNER'S REQUEST FOR CONSOLIDATION

The undersigned owner(s) hereby request the Lincoln County Assessor's Office to consolidate the following tax account numbers in accordance with ORS 308.210

MAP #	TAX LOT #	CODE #	PROPERTY ID (R) #
14-12-27-DA	1300	328	R27823
"	1400	328	R30249

Items 1-5 must be checked off before the consolidation request can be processed. Items 6 and 7 must be checked off, and a letter attached if they apply.

1. ☒ Ownership must be identical on all parcels being consolidated.
2. ☒ Tax lots must be on the same map, or capable of being shown on the same map. If not on the same map, **MUST** be approved by Assessor's mapping department.
3. ☒ Tax lots must be contiguous.
4. ☒ All titleholders must sign (husband and wife, etc.).
5. ☒ Taxes must be paid in full on all accounts, ORS 308.210 (4).
6. ☐ If there is a mortgage on any part of the property, signature below is required.
7. ☐ Letter of approval from titleholder must be attached, if the contract purchaser is making the request.

NOTE:

1. Request made after June 30th will be processed for the following tax year.
2. You will continue to receive separate tax statements for each code involved.
3. Consolidation of accounts may not reduce assessed value.
4. Once consolidated, Planning approval and a deed may be required to split apart.

Signature of Lender

Date

Signatures of all Titleholders

Date of Request

3/18/23

*****FOR OFFICE USE ONLY*****

All taxes certified for collection under ORS 311.105 and 311.110 on all properties listed above are paid in full.

Tax Office Deputy Initials

Date

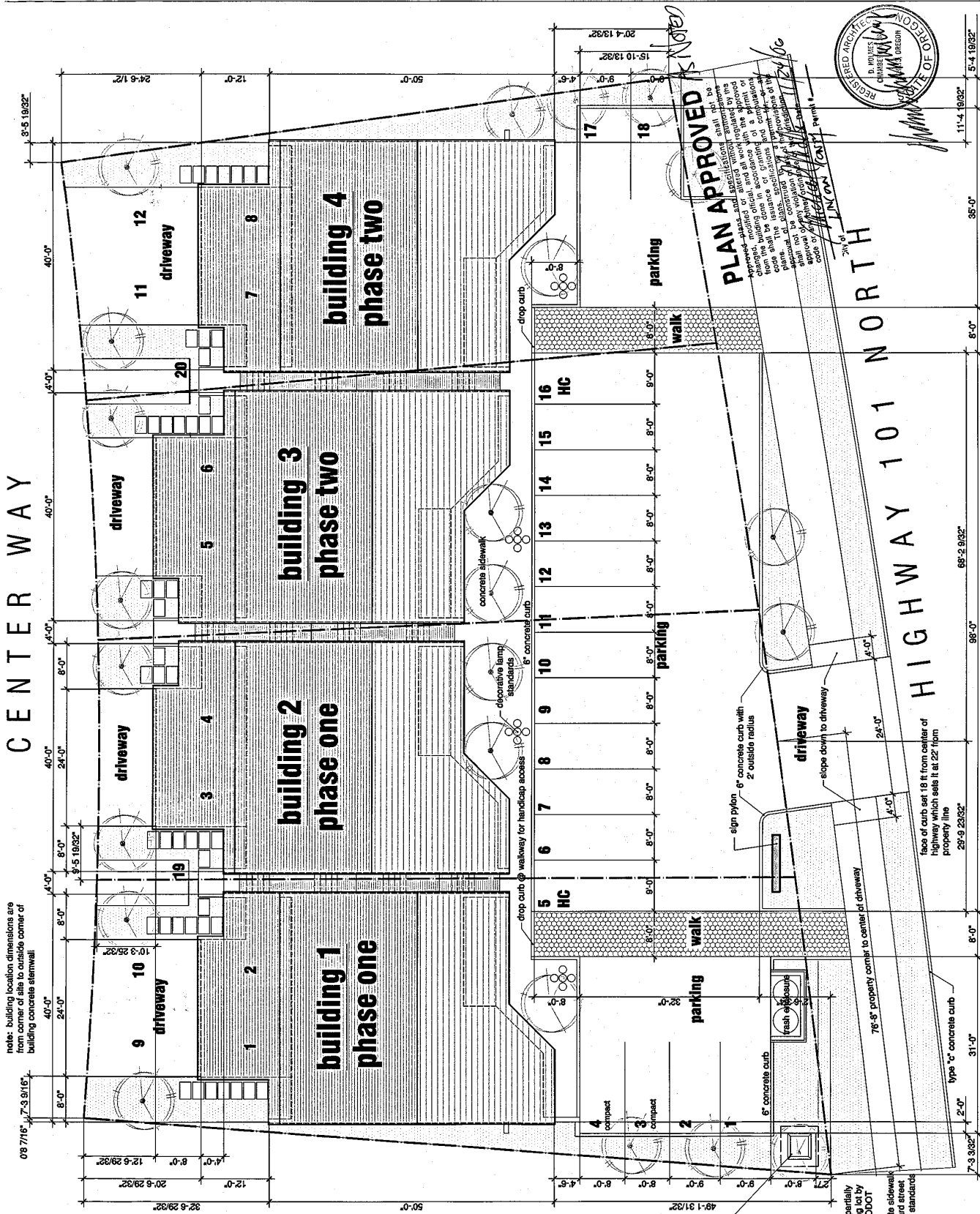
Assessor's Deputy Initials

Journal Voucher Number

Date

CENTER WAY

note: building location dimensions are from corner of site to outside corner of building concrete stemwall



residential (phase 1 + phase 2)

total apt square footage	10,576.0 sf
total deck square footage	912.0 sf
total living square footage	11,488.0 sf
total garage square footage	2,304.0 sf
parking requirement - 7 living units	10.5 spaces

site.roof plan
scale: 3/32" = 1'-0"

commercial (phase 1 + phase 2)

total commercial square footage	4,028.8 sf
total support space square footage	1,292.4 sf
parking requirement - retail units	20.00 spaces

SOWDEN-CLARK d holmes chamberlin jr
architect
P.O. BOX 94 - 991 OCEANVIEW DRIVE
YACHTS - OREGON - USA
TEL: 541.547.3066 - EMAIL: dchamberlin@peak.org

SUNSET VILLAGE
#02R-103

ORIGINAL DRAWING DATE
JULY 11, 2006

REV	DATE	NOTES
1	2/AUG/2006	
2		
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SITE/ROOF PLAN
A1.0

STAFF REPORT

Conditional Use Application

APPLICANT: Luke and Jocelyn Glaze

A. REPORT OF FACTS

1. **Property Location:** The subject property is located at 450 and 470 Highway 101N and described on the Lincoln County Assessor's Map 14-12-27-DA as Tax Lots 1300 and 1400. Additional addresses of 451, 453, 471 and 473 Center Way were assigned in conjunction with an approved building permit application in 2006.
2. **Applicant's Request:** The applicant is requesting a conditional use permit to lower the minimum lot area per multifamily dwelling from two thousand five hundred (2,500) to one thousand five hundred (1,500) square feet.
3. **Zoning:** C-1 Retail Commercial Zone
4. **Plan Designation:** Commercial
5. **Lot Size and Dimensions:** The subject property totals 8,712 square feet. A lot consolidation has been filed with the Lincoln County Assessor's Office, allowing all calculations to be done based on the square footage of the two lots combined.
6. **Existing Structures:** There is a partially completed mixed-use structure on each lot.
7. **Surrounding Land Use:** Surrounding land uses consist of single-family residential units to the east, commercial uses to the south and buildings #1 and #2 of the Sunset Village Condominiums to the north.
8. **Utilities:**
Water & Sewer: City of Yachats
Electricity: Central Lincoln PUD
9. **Development Constraints:** None

B. EVALUATION OF REQUEST

1. **Applicant's Proposal:** The applicant submitted the required application form and fee, as well as a narrative detailing the proposed use.
2. **Relevant Yachats Municipal Code (YMC) Criteria:**
YMC Chapter 9.24 R-4 Residential Zone
Section 9.24.020 Permitted Uses
In an R-4 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters [9.44](#), [9.48](#) and [9.52](#) where applicable.

- I. Multifamily dwelling, including condominiums, townhouses and apartments.

YMC Chapter 9.28 C-1 Retail Commercial Zone

Section 9.28.010 Permitted Uses

In a C-1 zone the following uses and their accessory uses are permitted, subject to the provisions of Chapters [9.44](#), [9.48](#) and [9.52](#) where applicable:

- B. Any use which would be permitted outright in any residential zone;

Section 9.28.030 Standards

Except as provided in Chapters [9.44](#), [9.48](#), [9.52](#) and [9.72](#), in any C-1 zone the following standards apply:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in the C-1 zone shall be as follows:
 - 1. The lot area, lot width, and lot depth requirements in the C-1 zone shall be as follows:
 - a. Lot area, six thousand (6,000) square feet with public water and sewer system.
 - b. Lot width, sixty (60) feet minimum at front building line for interior lot and sixty-five (65) feet for a corner lot with public water and sewer system.
 - c. Lot width, seventy (70) feet minimum at front building line for interior lot and seventy-five (75) feet for a corner lot with public water but no public sewer.
 - 2. The minimum lot area per multifamily dwelling unit shall be two thousand five hundred (2,500) square feet with a public water and sewer system.
 - a. The minimum lot area per multifamily dwelling unit may be lowered to one thousand five hundred (1,500) square feet with a public water and sewer system if approved by the Planning Commission through a public hearing in accordance with Chapter [9.72](#) Conditional Uses.

YMC Chapter 9.48 Off-Street Parking and Loading

Section 9.48.010 General requirements.

- L. Off-Street Parking Space Requirements.
 - 1. Residential Dwellings. Residential dwellings shall provide the following off-street parking spaces:
 - One-family dwelling, two (2) spaces;
 - Two-family dwelling, four (4) spaces;
 - Three-family dwelling, five (5) spaces;
 - Four-family dwelling, six (6) spaces;
 - Each additional unit, one and one-half space (rounded-up to the nearest whole number).

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.

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.

3. **Public Testimony Received:** At the time this staff report was prepared, the City had received no written testimony.

C. STAFF ANALYSIS

1. The Request and the C-1 Retail Commercial Zone

In 2021, the Planning Commission approved the subject property for two mixed-use structures. The northern building was approved for one commercial and two residential units. The southern building was approved for one commercial and one residential unit.

The applicant is requesting to convert the use to residential only. A multi-family dwelling is a permitted use in the C-1 zone and no conditional use permit is required to convert to residential use only. Under the C-1 standards, the applicant could build 3 residential units and any number of commercial units, provided the parking standards could be met.

YMC Section 9.28.030 (C-1 Standards) includes the following language:

2. The minimum lot area per multifamily dwelling unit shall be two thousand five hundred (2,500) square feet with a public water and sewer system.
 - a. The minimum lot area per multifamily dwelling unit may be lowered to one thousand five hundred (1,500) square feet with a public water and sewer system if approved by the Planning Commission through a public hearing in accordance with Chapter [9.72](#) Conditional Uses.

The applicant is asking to reduce the lot area per multifamily dwelling unit to one thousand five hundred (1,500) square feet. On an 8,712 square foot lot, this reduction in the required minimum lot size would allow for 5.8 residential units, or rounding down, 5 residential units. The applicant has asked that, if possible, the Planning Commission round up to 6 units. Under a conditional use request, the Planning Commission must adhere to the standards as outlined. Any deviation, such as rounding up to the next whole number for density calculations, should be handled through a variance request.

No exterior modifications to the existing (approved) structures are being proposed so all lot coverage, setback and building height standards have been met.

Currently, there are 14 off-street parking spaces planned on the subject property. Per YMC Section 9.48.010 (Off-Street Parking and Loading - General requirements), only 8 parking spaces would be required for 5 residential units.

2. Conditional Use

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

D. CONCLUSIONS

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

1. Approval is contingent upon consolidation of Tax Lots 1300 and 1400 as identified on the Lincoln County Assessor's Map 14-12-27-DA.
2. A maximum of 5 residential units will be allowed on the subject property.
3. All parking, garbage collection and use of the structures shall comply with the terms of the Center Way Access Easement dated June 20, 2006.

Submitted by,

Katherine Guenther
City Planner

Attachments: Center Way Access Easement



By

Russell White
PO Box 334
441 King Street
Yachats, OR 97498

April 13, 2023

Planning Commission
City of Yachats
PO Box 345
Yachats, OR 97498

RE: Comments On The Glaze Conditional Use Application - Case File #4-CU-PC-23

Dear Sir or Madam,

In 2006 the Yachats Planning Commission and City Council approved plans to build four 3-story buildings along Highway 101 for mixed commercial and residential use. Businesses would occupy the bottom floor and the Sunset Village Condominiums would occupy the upper two floors. In preparation for this construction a house already located on the property was moved and several large trees were cut down. Have the Yachats Planning Commission and City Council changed their vision for this property?

Before this application is approved the Planning Commission should find out:

Who is responsible for compliance with the Center Way Easement in the future? Are the proposed residential units part of the Sunset Village Condominium Association? If not, what are they? Apartments, townhouses, another condo association, short-term rentals? The application doesn't say. Again, who is responsible for compliance with the Center Way Easement in the future? (Since they do such a poor job now!)

Sincerely,

A handwritten signature in cursive script that reads "Russell White".

Russell White

I, Dana W. Jenkins, County Clerk, in and for said county, do hereby certify that the within instrument was received for record, and recorded in the Book of Records of said county at Newport, Oregon. WITNESS my hand and seal of said office affixed.


DANA W. JENKINS, Lincoln County Clerk



Doc : 200609523
Rect: 604782 46.00
06/21/2006 02:43:32pm

After recording return to:
City of Yachats
P O Box 345
Yachats, OR 97498

Access Easement

This access easement entered into by the City of Yachats, Oregon, a Municipal Corporation of the State of Oregon (Hereafter "City") hereby grants to Douglas Sowden and Carol Clark (Hereafter "Grantees") an access easement across existing City right-of-way as follows:

Whereas, City is the owner of certain right-of-way, know as Center Way as shown on the map set forth in Exhibit A, attached hereto and incorporated by reference into this access easement as though fully set forth herein, which consists of a twenty foot (20') right-of-way from E. 6th Street, generally south along the eastern boundary of Grantees property and, beyond, thereafter terminating on King Street, now, therefore, in consideration of the Terms and Conditions set forth herein;

Section 1. City grants and conveys to Grantee, as well as Grantee's successors in interest, an access easement over and across that certain right-of-way set forth in Exhibit A.

Section 2. This access easement herein granted and conveyed is subject to the terms and conditions set forth in Exhibit B, attached hereto and incorporated by reference as though fully set forth herein.

Section 3. The purpose of this access easement is to permit Grantees access for residential owners or tenants, their agents, employees or guests to use as an access

driveway for vehicles to garages and residences on Grantees property, described as Overlook Addition to Yachats – Lots 6, 7, 8, and 9; Lincoln County Assessors Map 14-12-27-DA – lots 1200, 1300 and 1400.

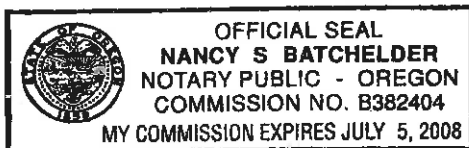
Section 4. This access easement is permanent providing it is used and maintained by Grantees and their successors in interest exclusively as access for residential uses of the property described above in accordance and subject to the Terms and Conditions set forth in Exhibit B herein.

Dated this 20th day of June, 2006

Grantor: The City of Yachats by Susanne Smith
Susanne Smith, Mayor

State of Oregon)
) ss
County of Lincoln)

On this 20th day of June, 2006, Susanne Smith, known to me as the Mayor of the City of Yachats, Oregon, Grantor herein, appeared before me and, after being duly sworn, executed this instrument in my presence and acknowledged it to be her free act and deed.



Nancy S. Batchelder
Notary Public for the State of Oregon

My Commission Expires: July 5, 2008

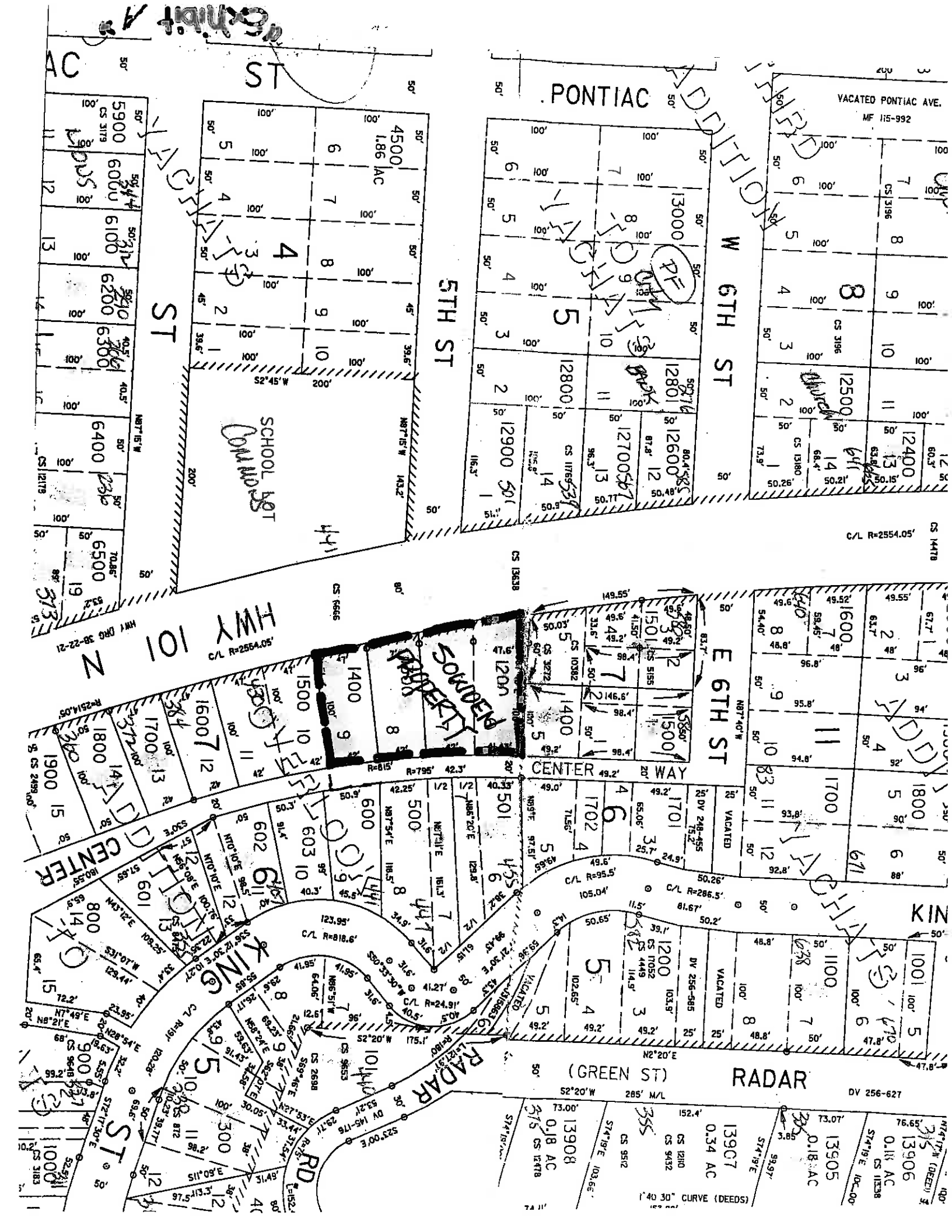


Exhibit B
Center Way Access Easement Terms and Conditions

1. Center Way Right-of-Way Improvements. The developer shall be responsible for all improvements to the Center Way Right-of-way from 6th Street to the southern edge of Grantees property for the purpose of the access easement. All improvements shall be as required by the Yachats Public Works Department and shall consist of a graveled driveway, storm drain facilities, water service improvements and protection of any other utility facilities or lines either required or existing in the Center Way right-of-way. Access and water service improvements also shall be reviewed and approved by the Yachats Rural Fire Protection District prior to construction.
2. Parking Prohibited. There shall be no parking of motor vehicles within the Center Way right-of-way.
3. Clear Vision Area. There shall be no above ground structures between the Center Way right-of-way and the eastern edge of the proposed building/garages without advance City approval in order to create a clear vision area for owner's vehicles using the right-of-way.
4. Screening of Trash Receptacles. Residential trash and recycling cans shall be in owner's garages or screened from Center Way and surrounding properties except on the day garbage/recycling services pick-up. No commercial garbage/recycling service or pick-up shall be allowed on Center Way, either by can or dumpster.
5. Access Rights. Center Way right-of-way is for public use and is not exclusive access by grantees. If other users receive permission for use of the right-of-way, it shall be coordinated with grantees use as the City deems necessary.
6. Waiver of Remonstrance. The grantees shall enter into an agreement with the City prior to development waiving their right and any future owner's right to remonstrate against the formation in the future of a Local Improvement District to improve Center Way and 6th Street into any street, trail or other public way in accordance with City or State Law.
7. Maintenance. Grantees and successors in interest shall be responsible for ongoing care and maintenance of the access improvements over and across the Center Way right-of-way and the protection of City and other utility services within the right-of-way. In particular the maintenance shall assure that use of the access by motor vehicles of grantees and successors in interest and their guests shall be sufficient to minimize dust through use of sufficient gravel or other material on the driving surfaces.
8. Liability Insurance. Grantees and their successors in interest shall carry liability insurance for their use of Center Way right-of-way and provide the City with current certificates of insurance in the future.

9. Vacation. As stated in the access easement, it is permanent in nature. If for any reason Center Way right-of-way is vacated, the City shall condition such vacation with the retention of access for the benefit of grantees and their successors in interest as part of such vacation.

10. Terms and Conditions set forth above have been required by the City in consideration of the City Council's decision of June 8, 2006 to deny grantee's application to open a public street on the grounds it was not in the public interest to do so at this time.

DRAFT MEMORANDUM

TO: Heide Lambert, City Manager
Mayor Berdie and Yachats City Council

FROM: Yachats City Planning Commission

DATE: April 18, 2023

SUBJECT: Request for Full-Time Status for Yachats City Planner

The Planning Commission wishes to express its serious concern with the recent and significant reduction in weekly hours authorized for the City Planner position and the risk to the City by failing to meet state-mandated deadlines for actions on pending and future land use applications. This reduction by the City Manager appears to walk back a decision of the former Mayor and City Council at its September 15th, 2021 meeting to increase the hours of the City Planner to provide for at least a four-day work week. A review of this Council meeting recording shows that 16 hours per week was found to be insufficient for the City Planner to process land use applications and building permit reviews in a timely manner, let alone conduct important long-range planning efforts for conscious city growth.

The Planning Commission would like to know Ms. Lambert's reasoning for reducing the City Planner's weekly hours by one half, and any plans she may have to fill the significant void. The Planning Commission strongly believes that our growing city needs at least one full-time professional planning position.

As Manager Lambert and Council are keenly aware, Yachats, like all Oregon municipalities, is mandated by Oregon planning law to have an adopted Comprehensive Plan and ordinances which help implement the Plan that are consistent with 19 statewide planning goals. In addition, our Planning Commission is tasked with both quasi-judicial (conditional use and variance) and legislative (comprehensive planning, regulatory ordinances, special projects) functions. And, the Planning Commission (and, in some cases, the City Council) is required by law to act on all quasi-judicial and some legislative matters within a specified period of time. Failure to act within that time, unless voluntarily extended by an applicant, results in automatic approval of the application. Both quasi-judicial and legislative decisions can be appealed to the State's Land Use Board of Appeals, with potential financial consequences to the City. For these reasons alone, the City requires the technical assistance of a full-time professional city planner to help the Planning Commission, and City Council, reach timely, informed decisions on land use matters.

At our Planning Commission's April 18th regular meeting, we conducted public hearings on two conditional use requests as provided for by the Yachats Municipal Code. For us to conduct these

hearings in accordance with City and Oregon planning laws, the City Planner must publicly advertise these hearings and research and notify by certified mail any surrounding property owners of the application as well as the scheduled date and time of the Planning Commission hearing. To help us make informed decisions, the City Planner also typically conducts a site visit, and a technical analysis of each application by reviewing the applicable provisions of the City's Comprehensive Plan and the standards and criteria specified by the Yachats Municipal Code for evaluating the proposal. The City Planner may also need to converse with the applicant and respond to email and phone inquiries from property owners who receive formal notice. No later than one week in advance of the advertised hearing, the City Planner prepares and publishes a written report which presents the facts of the application, a summary of the technical analysis, and one or more recommended conditions of approval. During our public hearings, the City Planner is present to review the published staff report, answer Planning Commission, applicant, and other hearing attendee questions, and help guide the Commission with its decision. Upon conclusion of the hearing and Commission decision, the City Planner draws up the formal action of the Commission, including establishing the findings of fact and listing any conditions of approval. That written record of action is then transmitted to the applicant within so many days of the hearing and decision.

All of the work mentioned above, i.e., land use applications, building permit reviews, telephone, electronic, and walk-in inquiries of the public is considered *reactive* planning and is the bare minimum required for the City to meet the demands of Oregon law and members of our community. But that work should make up only a portion, and not the majority, of a professional City Planner's time and efforts. Sound planning, as the name "planning" implies, is about being *proactive*, i.e., preparing for and guiding the City's future. To properly plan for Yachats' future based on a moderate rate of growth, long-range planning efforts are an essential part of a professional planner's responsibilities. Examples of recently completed long-range planning projects include the Yachats Downtown Parking Management Plan and the City of Yachats Housing Needs Assessment. Other long-range projects pending completion include the Yachats Local Wetland Inventory and the City of Yachats Housing Implementation Plan. The City's Comprehensive Plan, originally prepared in 2003 and last amended in 2021, is also in need of major revisions. Our Commission has identified numerous problematic sections of Title 9 of the Yachats Municipal Code. These long-term planning projects and needed regulatory changes are complex and cannot succeed without being actively managed by a full time professional City Planner.

While our Commission would like to hear the current City Manager's reasoning for the reduction in weekly assigned hours to the City Planner and any related staffing plans, we urge the Mayor and City Council to select a new City Manager who sees the value of a full-time professional city planner position in serving the City's needs, and establishes such as one of their early actions. We also ask that the Mayor and Council ensure that the approved 2023-2024 City budget includes sufficient funds to establish such a position as full-time.

**CITY OF YACHATS
PLANNING COMMISSION WORK SESSION MEETING
MEETING SUMMARY
March 14, 2023**

Audience/Guest: 11

(00) Meeting called to order by Jacqueline Danos, Co-Chair at 10:am. In attendance, John Theilacker, Chair John Theilacker, Lance Bloch, Loren Dickinson, and Tod Davies. STAFF: Kimmie Jackson, Deputy City Recorder and Katherine Guenther, Planner.

1. Announcement: Received Marc Sakamoto volunteer application and will be interviewed at the regular meeting on March 21st.
2. (0:00:10) The Work Session discussion regarding the goals to forward to the City Manager/Council for consideration. The following goals are 1. To complete Fences, Walls, and Hedges Amendment to Title 9; 2. Complete/Adopt the Local Wetlands Inventory; 3. The City Center Parking Management Plan and to send recommendations for action with support of Public Works & Streets Commission, then on to Council by May 2023; 4. To complete the second phase Housing Study in June 2023 and then to pass on to Council as a recommendation.

The goals will be revised and brought back to the next regular meeting for recommendation to Council on March 21st.

Bloch adjourned the Regular Commission meeting adjourned at 11:05am.

Prepared by Kimmie Jackson March 15, 2023

**CITY OF YACHATS
PLANNING COMMISSION
PUBLIC HEARING & REGULAR MEETING
MEETING SUMMARY
March 28, 2023**

Audience/Guests: 11

1. John Theilacker, Chair of the Planning Commission called this meeting to order at 10:30am: Jacqueline Danos, Loren Dickinson, and Tod Davies. Absent: Lance Bloch. STAFF: Kimmie Jackson, Deputy City Recorder, Katherine Guenther, Planner
2. (0:01:41) No announcements, correspondence or Citizens concerns.
3. (0:02:18) Public Hearing for Kraus B & B File 2-CU-PC-23 has been rescheduled to April 18th so that the applicant can attend.
4. (0:08:39) Public Hearing for Church Conditional Use Permit File 1-CU-PC-23 was heard and after Commission discussion and no public testimony, the Motion was made to approve the application with the addendum that the building owner and business owner have an agreement for parking. The vote was called and passed unanimously. Then the Commission authorizes the Planner to sign and accept the application of Mr. Church.

Addendum: Establishment of the residential portion of the mix (upper-level apartment) is subject to a valid shared parking agreement between the owner of the residential portion and owner of the commercial portion of the building complex, where any apartment tenant shall be employed by a business contained in the complex. Otherwise, occupancy of the residential portion of the mix is subject to compliance with the Yachats Municipal Code's off-street parking requirements for a single-family dwelling."

Close Public Hearing

5. (0:42:03) Parking update – The parking spaces on 4th Street are being used. This study is ready to be presented to Council, and the Chair will let the City Manager know it is ready to be presented to Council.
6. (0:48:23) Housing – Today is the 3rd project management plan review meeting. Still need to have public engagement meeting (TBD), an In-person meeting, then present to Council.

- 1
- 2 7. (0:53:25) Local Wetlands – Pacific Habitat and State Lands resubmitted to DSL
- 3 and should hear back in April , then will need public input.
- 4
- 5 8. (1:02:41) Volunteer Application – Marc Sakamoto – After Commission discussion
- 6 and Q & A, the Motion was made to approve and forward for City Council's
- 7 approval. The vote was called and passed unanimously.
- 8
- 9 9. (1:16:33) Goals – Compared Planning objectives and projects to Council goals.
- 10 Revised and suggested the goals to forward to Council for consideration. The
- 11 Motion was made to forward to Council. The vote was called for and passed
- 12 unanimously.
- 13
- 14 10. (1:20:15) Transportation – Public Works submitted the preapplication to ODOT to
- 15 revise the Village Circulation Plan and Transportation.
- 16

17 Chair Theilacker adjourned the meeting at 12:05pm.

18
19 Prepared by Kimmie Jackson March 29, 2023