

1. 2:00 P.M. Agenda

Documents:

[2024-06-18 Planning Commission Regular Meeting Agenda.pdf](#)

2. 2:00 P.M. Meeting Materials

Documents:

[Application 2-CU-PC-24 Ladd.pdf](#)
[Staff Report 2-CU-PC-24 Ladd.pdf](#)
[Bruce Ladd Public Input From Peggy Speer.pdf](#)
[Public Input Kate.pdf](#)
[06-18-2024 - Townhouse PUD 1-THPUD-PC-24.Pdf](#)
[1-THPUD-PC-24 Fyke Application.pdf](#)
[Staff Report 1-THPUD-PC-24 Fyke.pdf](#)
[Planning Commission Issues List.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Tuesday, June 18, 2024, 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/82730920856>

Meeting ID: 827 3092 0856

Regular Meeting

- I. Meeting Called to Order
- II. Announcements and Correspondence
- III. Citizens' Concerns (limited to items not on the agenda, 5-minute limitation per person)
- IV. Public Hearings
 - a. Case File #2-CU-PC-24 Ladd Home Occupation
 - b. Case File #1-THPUD-PC-24 Fyke Townhouse Planned Unit Development
- V. New Business
- VI. Reports
 - a. Commission Chairs' Meeting
 - b. Planner's Report
- VII. 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 6/12/2024 By: Neal Morphis, City Clerk

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: BRUCE LADD

Address: 194 WEST THIRD STREET

City: YACHATS State: OR. Zip: 97498

Relationship to property: RENTER
(Owner, Contractor, Purchaser, etc.)

Legal Description: 14-12-27-DA-8500 Current Zone: R3

Lot Dimensions: 150'x50'x100' Area: _____ Flood Zone: _____

Natural Hazard: _____ Topography: _____

Directions to Property: _____

Previous Planning Actions on Property: _____

Reason for Request: CONDUCT OCCUPATION IN HOME

Existing Structures on Property:

Proposed Use and Structures:

Current Utilities and Providers: CITY OF YACHATS, CENTRAL LINCOLN, Pioneer

Anticipated Date of Development: 7/1/2023

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.

Bruce P. Ladd MS. LAC
Signature of Applicant

[Handwritten Signature]

Narrative For Home Occupation -Conditional Use- For Bruce Ladd M.S., Lac

My name is Bruce Ladd. I am applying for Conditional Use for my Home Occupation at 194 West 3rd St., Yachats.

I am a licensed acupuncturist in the state of Oregon. I have been in practice since 1995. My objective is to conduct a licensed acupuncture practice out of my home here in Yachats, Oregon. I am the only resident of my home.

Please review the following information relating to my objective:

Business: Bruce Ladd MS, LAc (licensed acupuncturist)

Services Provided: Acupuncture

Location of Business: In My Home

Standards to be followed for Bruce Ladd MS, LAc Home Occupation:

- The home occupation shall be secondary to the main use of the property as my residence.
- No structural alterations have been made to accommodate the home occupation.
- No materials or mechanical equipment will be used that is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, hazardous or toxic chemicals, interference with radio or TV reception, or other factors.

Services, Details, and Practices:

- Hours of Operation: Mon., Tues., Thurs., Fri., 10:00 AM - 5:30 PM (by appointment only)
- 4 Clients per day
- Services are provided by appointment only

If you have questions or need any more information, please call me at 541-XXX-XXXX

Thank You

STAFF REPORT
Conditional Use Application

APPLICANT: Bruce Ladd

A. REPORT OF FACTS

1. **Property Location:** The subject property is located at 194 West 3rd Street and described on the Lincoln County Assessor's Map 14-12-27-DA as Tax Lot 8500.
2. **Applicant's Request:** The applicant is requesting a conditional use permit for a Home Occupation. The proposed use is a licensed acupuncture practice secondary to the main use of the residence.
3. **Zoning:** R-3 Residential Zone
4. **Plan Designation:** Residential
5. **Lot Size and Dimensions:** The subject property totals 0.11 acres or 5,000 square feet. The lot dimensions are 50' x 100'.
6. **Surrounding Land Use:** Surrounding land uses consist of commercial to the north, east and south and a mixture of single-family and multi-family residences to the west.
7. **Utilities:**
Water & Sewer: City of Yachats
Electricity: Central Lincoln PUD
8. **Development Constraints:** None

B. EVALUATION OF REQUEST

1. **Applicant's Proposal:** The applicant submitted the required application form and fee. The applicant is a prospective tenant of the subject property and the property owner has provided written approval of the home occupation request.
2. **Relevant Yachats Municipal Code (YMC) Criteria:**

YMC Section 9.04.030 Definitions

"Home occupation" means a business, profession or other economic activity conducted full or part-time in the principal residence and/or accessory structure of the person conducting the business.

YMC Section 9.20.030 R-3 Residential Zone

Conditional Uses

In an R-3 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. See Definitions;

- C. Temporary real estate office offering residential property in the immediate vicinity for sale;
- D. Church, nonprofit religious or philanthropic institution;
- E. Community center;
- F. Nursery school, kindergarten or similar facility;
- G. Hospital, nursing home, retirement home, or similar facility;
- H. Private noncommercial recreation club such as tennis, swimming or archery club, but excluding commercial amusement or recreation enterprises;
- I. Park, playground, swimming pool, or similar recreation area;
- J. School or private school offering curricula similar to public schools;
- K. Parking areas;
- L. Bed and breakfast facility;
- M. Manufactured dwelling park, subdivision and P.U.D.

YMC Section 9.48.010 General requirements – Off-street Parking and Loading

Refer to Chapter [9.04.030](#) Definitions for the definition of “Parking, off street.” At the time a structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless: (1) greater requirements are otherwise established; or (2) approved planned unit developments (PUDs) provide other parameters.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Planner, based upon the requirements of comparable uses listed.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- C. Owners of two (2) or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases or contracts to establish joint use.
- D. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Parking spaces for non-residential uses shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.
- E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- F. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum City road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential

zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height where vision clearance is required.

H. Perpendicular or diagonal parking spaces for commercial uses that are located along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four (4) inches high and set back a minimum of four and one-half (4.5) feet from the property line.

I. Any lights provided to illuminate any public or private parking area or sales area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.

J. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.

K. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this title may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

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).

2. Manufactured dwelling park: two (2) spaces for each manufactured dwelling space.

3. Motel, hotel or resort: one space for each guest accommodation.

4. Nursing home or similar institution: one space for each three (3) beds.

5. Church, club or similar place of assembly: one space for each four (4) seats, or one space for each twenty-five (25) square feet of floor area used for assembly.

6. Library: one space for each one hundred (100) square feet of floor area.

7. Dance hall, skating rink, or similar commercial amusement enterprise: one space for each seventy (70) square feet of floor area.

8. Bowling alley: six (6) spaces for each alley.

9. Retail store: one space for each two hundred (200) square feet of floor area.
10. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture: one space for each six hundred (600) square feet of floor area.
11. Bank, office: one space for each three hundred (300) square feet of floor area.
12. Medical and dental clinic: one space for each two hundred (200) square feet of floor area.
13. Eating and drinking establishments: one space for each one hundred (100) square feet of total floor area.
14. Light industrial: one space for each six hundred (600) square feet of total floor area

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 9.72.050 Standards and procedures governing conditional uses.

In addition to the standards of the zone in which the conditional use is located and the other standards of this title, conditional uses shall meet the following standards:

A. Hotels or resorts in an R-4 zone shall have a minimum lot area per guest unit of one thousand five hundred (1,500) square feet **(Not Applicable)**

B. Special Setback Requirements **(Not Applicable)**

C. Standards for Public Utility Facilities **(Not Applicable)**

D. Standards for a Home Occupation.

1. The home occupation shall be secondary to the main use of the property as a residence.

2. No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.

3. No persons other than those residing in the dwelling are to be engaged in the home occupation unless authorized by the Planning Commission through a conditional use permit.

4. No window display and no sample commodities displayed outside the building shall be allowed. One unlighted sign not exceeding one and one-half square feet in area shall be permitted. The sign shall either be attached to the exterior of the building, or, if detached from the building, shall not be located in a required front or street side yard.

5. No materials or mechanical equipment shall be used which is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, hazardous or toxic chemicals, interference with radio or television reception, or other factors.

6. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.

7. No parking of vehicles in a manner or frequency so as to cause disturbance or inconvenience

to nearby residents shall be allowed.

8. A valid business license from the City shall be required.

9. If the applicant certifies in writing that the home occupation meets all of the above standards, the City Planner or designee may authorize the licensing of the home occupation and waive the conditional use permit requirement. Such license shall be subject to annual review.

E. Standards for Bed and Breakfast Facilities (**Not Applicable**)

F. Standards for Formula Businesses (**Not Applicable**)

G. Standards for Light Industrial (**Not Applicable**)

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 R-3 Residential Zone

YMC Section 9.20.030 allows home occupations as a conditional use in the R-3 zone.

2. Standards and procedures governing conditional uses

YMC Section 9.72.050 provides the following standards for a home occupation:

- 1) The home occupation shall be secondary to the main use of the property as a residence.
Applicant's Response: The home occupation shall be secondary to the main use of the property as my residence.
- 2) No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.
Applicant's Response: No structural alterations have been made to accommodate the home occupation.
- 3) No persons other than those residing in the dwelling are to be engaged in the home occupation unless authorized by the Planning Commission through a conditional use permit.
Staff Response: *While it's clear that the applicant doesn't intend to employ others, this standard could be stated as a condition of approval.*
- 4) No window display and no sample commodities displayed outside the building shall be allowed. One unlighted sign not exceeding one and one-half square feet in area shall be permitted. The sign shall either be attached to the exterior of the building, or, if detached from the building, shall not be located in a required front or street side yard.
Staff Response: *No window display, sign or sample commodities are being proposed, but this standard could be stated as a condition of approval.*
- 5) No materials or mechanical equipment shall be used which is detrimental to the residential use of

the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, hazardous or toxic chemicals, interference with radio or television reception, or other factors.

Applicant's Response: No materials or mechanical equipment will be used that is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, hazardous or toxic chemicals, interference with radio or TV reception, or other factors.

- 6) No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.

Staff Response: *Given the nature of the proposed home occupation, this standard is probably not an issue, but this standard could be stated as a condition of approval.*

- 7) No parking of vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents shall be allowed.

Staff Response: *The subject property is a legal nonconforming structure/use in the R-3 zone and as such, has no required off-street parking or required yards. The YMC does not specify any additional number of off-street parking places required for the proposed use. There is a 20'x50' front yard at the subject property and there are at least two off-street parking spaces available for the applicant's use. The Planning Commission could specify that one space be reserved for client parking during business hours. YMC Subsection 9.72.010 (B) (14) says "If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist". A zoning violation is considered a Class A civil infraction which can result in fines and/or revocation of any license or permit granted by the City.*

- 8) A valid business license from the City shall be required.

Staff Response: *Obtaining a valid business license from the City should be a condition of approval.*

- 9) If the applicant certifies in writing that the home occupation meets all of the above standards, the City Planner or designee may authorize the licensing of the home occupation and waive the conditional use permit requirement. Such license shall be subject to annual review.

3. 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) No persons other than those residing in the dwelling are to be engaged in the home occupation.
- 2) No window display and no sample commodities displayed outside the building shall be allowed. One unlighted sign not exceeding one and one-half square feet in area shall be permitted. The sign shall either be attached to the exterior of the building, or, if detached from the building, shall not be located

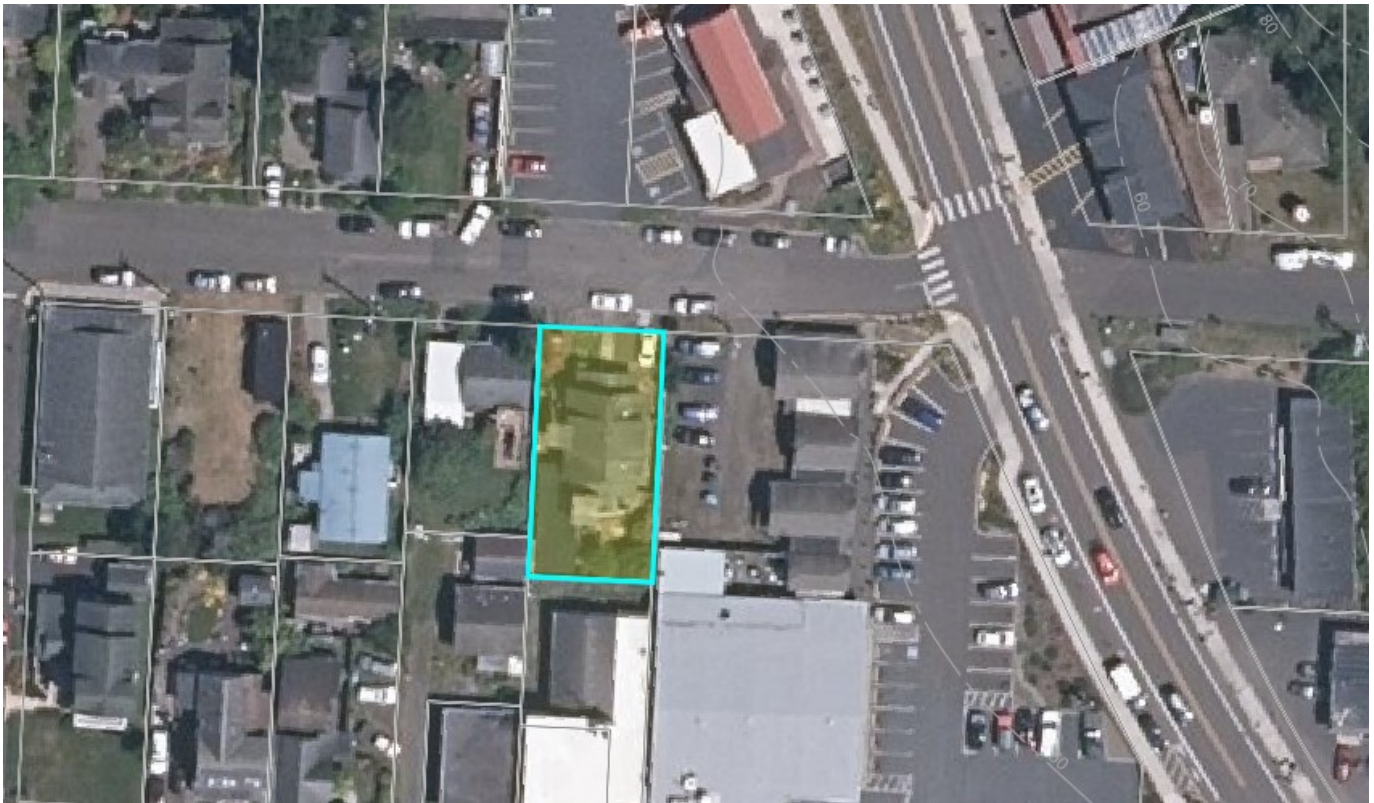
in a required front or street side yard.

- 3) No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- 4) A valid business license from the City shall be obtained.
- 5) No parking of vehicles in a manner or frequency so as to cause disturbance or inconvenience to nearby residents shall be allowed.

Submitted by,

Katherine Guenther
City Planner

Enclosures: Ladd Aerial and Street View Photos



From: Peggy Speer <peggyspeer@peak.org>

Sent: Friday, June 14, 2024 9:30 AM

To: Katherine Guenther <Planner@YachatsMail.org>

Subject: Bruce Ladd's Conditional Use Application for Acupuncture Practice

To Katherine Guenther, City Planner, City of Yachats, Oregon

My name is Peggy Speer, and I'm a Yachats resident and homeowner at 293 W 3rd St.

I was pleased to receive a notice from the City of Yachats that Bruce Ladd is hoping to operate his Acupuncture Practice from his home at 194 W 3rd St.

I've known Bruce since 2022, having been a client of his when he first established his acupuncture practice here in Yachats, and as a friend ever since.

I completely and without reservation support Bruce's application to provide his expert acupuncture services from his home on 3rd St.

Having his practice here, centrally located in the heart of downtown Yachats, will not only make his services more easily accessible, but will be a definite asset and a positive addition to the business community.

This is a very good idea!

Thank you,

Peggy Speer

293 W 3rd St / PO Box 133
Yachats

(360) 738-1348

June 5, 2024

RECEIVED
JUN 10 2024

BY:

Planning Commission

Concerning: 33 East 9th St. townhouses

I have compassion for the people who will lose their view. The fourplex development already there is unsightly.

Developers will build wherever a spot opens up. They want cash for developers.

I feel we are losing our quaint town of Yachats.

How far do you want to go to lose our little town?

Kate,

Thank you

June 16, 2024

To: Yachats Planning Commission

From: Jacqueline Danos

CC: City Planner, Katherine Guenther

Re: #1-THPUD-PC-24 - Townhouse Planned Unit Development Application

Thank you for accepting these comments. Unfortunately I will not be able to join the public meeting tomorrow as I had planned.

Understanding that when this project first came to the City for permitting there was no requirement for review by the Planning Commission as it was a "multi-family" housing development, I am respectfully submitting comments now as the project does require review as a Townhouse Planned Unit Development.

In looking through the application there does not seem to be a detailed site plan showing the street access/circulation design, landscaping, or how the project will interact with the Highway 101 frontage. Given the central location of this project, along what can be called Yachats' "Main Street", this development, in my opinion, should be integrated into the community through a developed site plan showing the interface between the project's common areas and Highway 101. Given that the City has plans for extending the sidewalks through town along Highway 101 this project sits at a location that impacts the development of a safer pedestrian friendly walkable and visually inviting community plan.

As is included in Code Section 9.62.040 the following are required when submitting a preliminary plan for a Townhouse PUD:

13. Proposed circulation pattern including the location, width and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;

14. Proposed use of all open spaces including a plan for landscaping;

The addition of more affordable housing in the available mix of housing choice in Yachats is important. The stated plan for multi-family housing was in line with the City's demonstrated need for more affordable types of housing but with the requested change the affordability of the housing might not be what had been intended. Also, we had been told, in part to further include more affordable types of housing, there was a plan for possible *Additional Dwelling Units* (ADU) to be included. If that is still under consideration, then the walkability and pedestrian access would be even more important to clarify.

In my opinion, this project has been a missed opportunity to create an environment of cooperation between the City, the Planning Commission, and developers. Working together, before construction was started, could have avoided this late application while creating a project that benefitted not only the developer but Yachats as well.

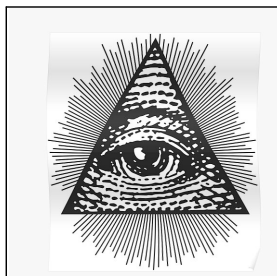
Although housing type and variety are greatly needed in Yachats, this change in use application from the original multi-family development to a Townhouse Planned Unit Development is not complete in my view. Before approval of this application I believe more detailed information regarding the ownership structure and a detailed site plan, are required.

Respectfully submitted,

Jacqueline Danos
116 Spring Hill Road
PO Box 161
Yachats, Oregon

1. The name, address and phone number of the land owner, partitioner and engineer or surveyor;
Andrew Fyke
2 Shelby, Irvine CA 92620
2. The tax lot number and the section, township and range in which the property is located;
Tax Lot 502 on Lincoln County Assessor's Map 14-12-17-AD
3. The date, north point and scale of the drawing;
See attached Exhibit 1
4. A vicinity sketch showing the location of the Townhouse P.U.D. in relation to known landmarks in the City;
See attached Exhibit 2
5. The approximate location and dimensions of all proposed boundary lines;
See attached Exhibit 1
6. Approximate area of the property being subdivided and each parcel;
Total area = 0.31 acres = 13, 503.6 square feet
Approximate size of parcels (from south to north):
Parcel 1 ~ 4,520 square feet
Parcel 2 ~ 2,280 square feet
Parcel 3 ~ 2,280 square feet
Parcel 4 ~ 3,450 square feet
7. Name, location and width of all existing and proposed roads, rights-of-way and easements;
Proposed 16' access easement on west side of property to benefit Parcels 2 through 4.
8. Existing zoning of the property;
R-3 Residential Zone
9. Existing and proposed uses of the property;
Four-unit Townhouse Planned Unit Development
10. Approximate location and use of all existing structures to remain on site. Indicate those to be removed;
See attached Exhibit 1
11. Any limitations to development; e.g., topography, areas subject to flooding, geologic hazards, drainage channels on property, etc. In areas of 12% or greater slope, a geological report shall be submitted, in accordance with provisions of Section 9.52.050;
None
12. Proposed use, location, dimensions, height and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building;
See attached Exhibits 1 and 3
13. Proposed circulation pattern including the location, width and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;
Not applicable

14. Proposed use of all open spaces including a plan for landscaping;
Not applicable
15. Proposed grading and drainage pattern;
Approved with original building permit application
16. Proposed method and plan for provision of water supply, sewage disposal, and electrical facilities;
Approved with original building permit application
17. Relationship of the proposed development to the surrounding area and to the comprehensive plan.
A townhouse Planned Unit Development (PUD) is a permitted use in the R-3 Residential Zone. The proposed PUD meets the density and lot coverage requirements of the underlying zone.



REVISION TABLE	
NUMBER	DATE

Plot Plan

Captain's Quarters
33 E 9th Street

DRAWINGS PROVIDED BY:
THOMPSON'S CREW
OUR WEST LLC
(541) 819-1319

DATE:

9/7/2023

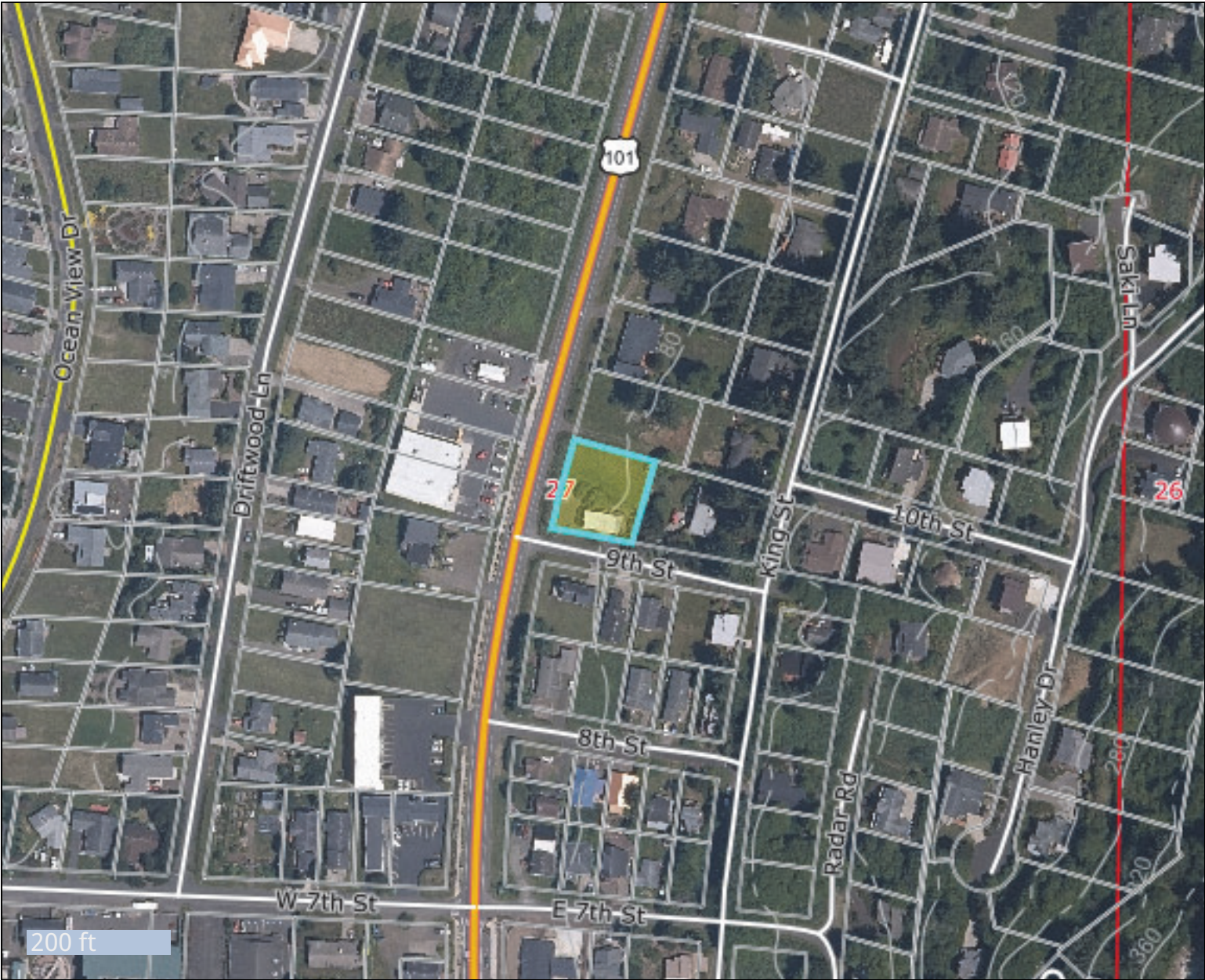
SCALE:

1/8" = 1'

SHEET:

S1

Exhibit 2 - 33 East 9th St, Yachats



Legend

Cities

Sections

40 Foot Contours

Printed on 5 / 14 / 2024

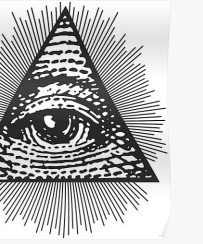
Lincoln County Government Use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.





Captain's Quarters

*33 East 9th Street
Yachats, OR*



REVISION TABLE		NUMBER	DATE	REVISION	BY	DESCRIPTION

Tranquility
Townhomes

Captain's Quarters
33 E 9th Street

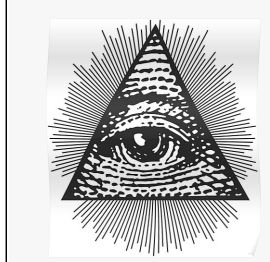
DRAWINGS PROVIDED BY:
PINKIE' DRIES
OUR WEST LLC
(541) 819-1319

DATE:

9/7/2023

SCALE:

SHEET:



REVISION TABLE		NUMBER	DATE	REVISION BY	DESCRIPTION

Floor Plan
Floor 1

Captain's Quarters
33 E 9th Street

DRAWINGS PROVIDED BY:
THOMPSON'S DRAFTING
OUR WEST LLC
(541) 819-1319

DATE:

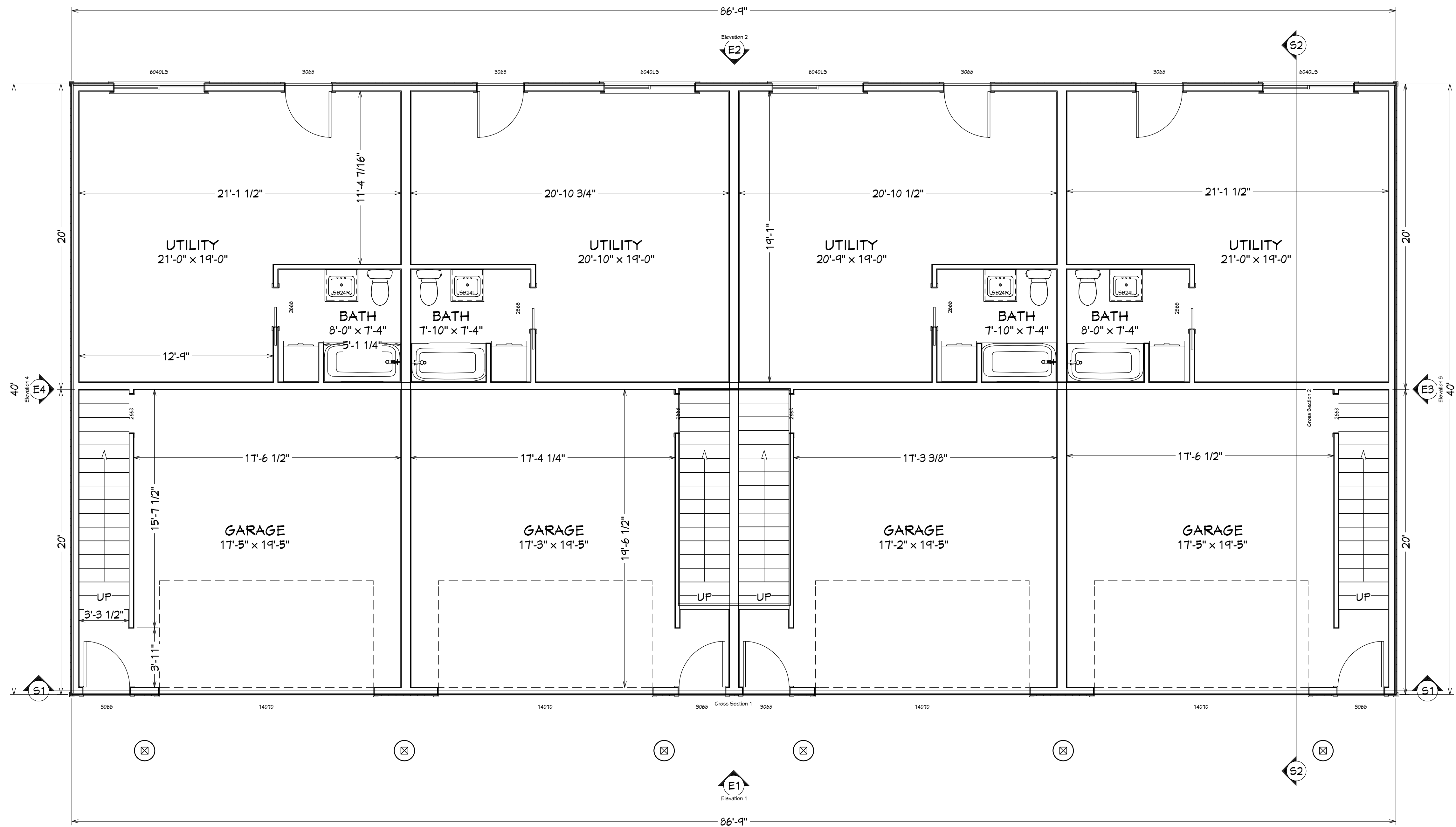
9/7/2023

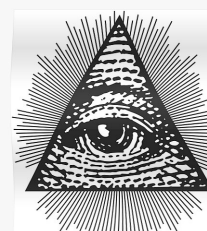
SCALE:

1/4" = 1'

SHEET:

A1





REVISION TABLE	
NUMBER	DATE

Captain's Quarters
33 E 9th Street

DRAWINGS PROVIDED BY:



OUR WEST LLC

DATE:

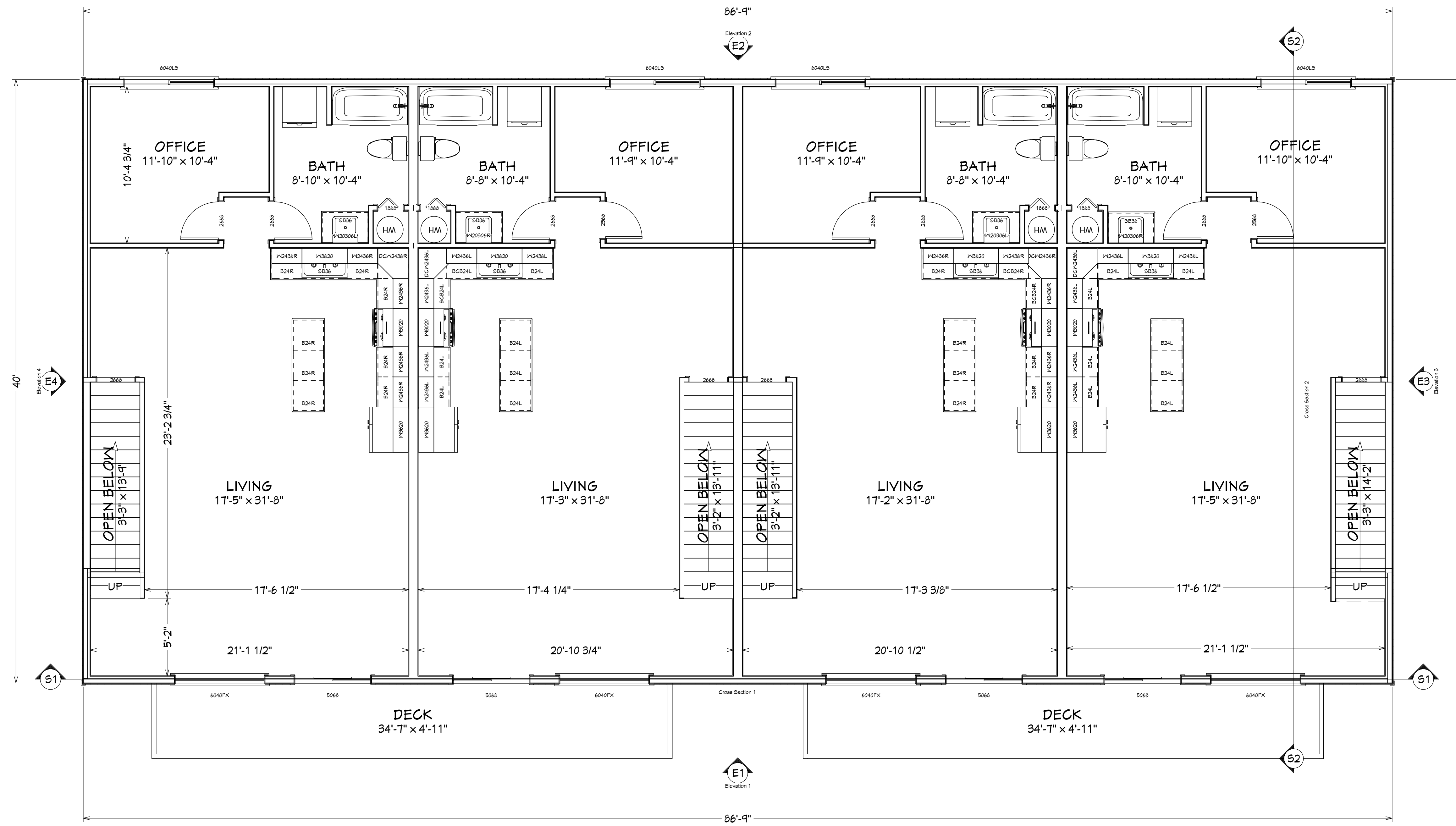
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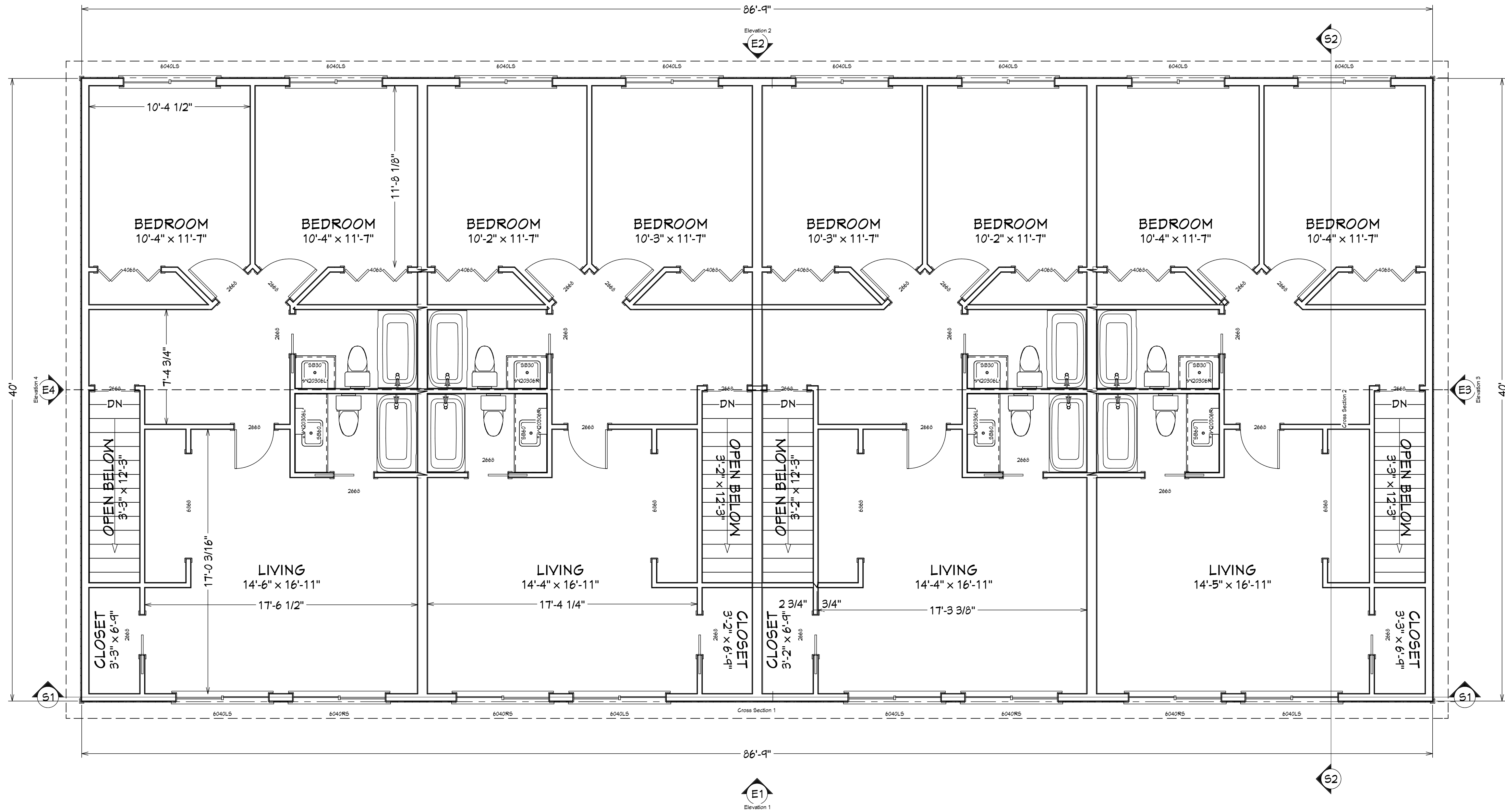
SCALE:

1/4" = 1'

SHEET:

A2





Floor Plan
Floor 3

Captain's Quarters
33 E 9th Street

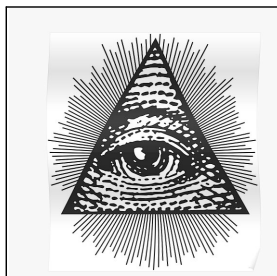
DRAWINGS PROVIDED BY:
THOMPSON'S
OUR WEST LLC
(541) 819-1319

DATE:
9/7/2023

SCALE:
1/4" = 1'

SHEET:
A3

REVISION TABLE		REVISION BY	DESCRIPTION
NUMBER	DATE		

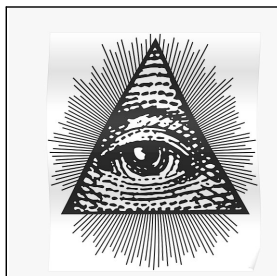




Elevation 1



Elevation 2



REVISION TABLE		NUMBER	DATE	REVISOR	DESCRIPTION

Elevations 1&2

Captain's Quarters
33 E 9th Street

DRAWINGS PROVIDED BY:
PMPK' CREDS
OUR WEST LLC
(541) 819-1319

DATE:

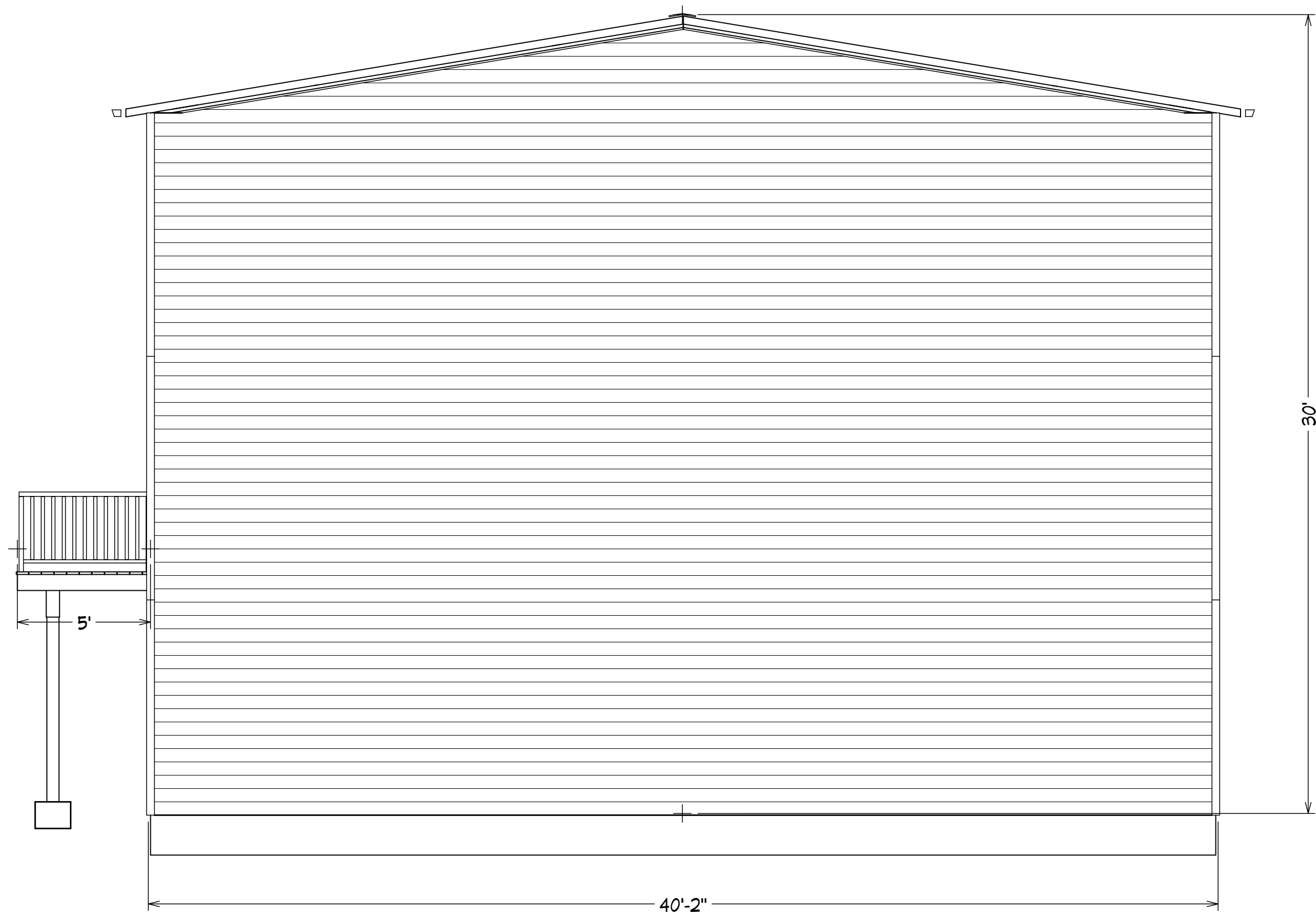
9/7/2023

SCALE:

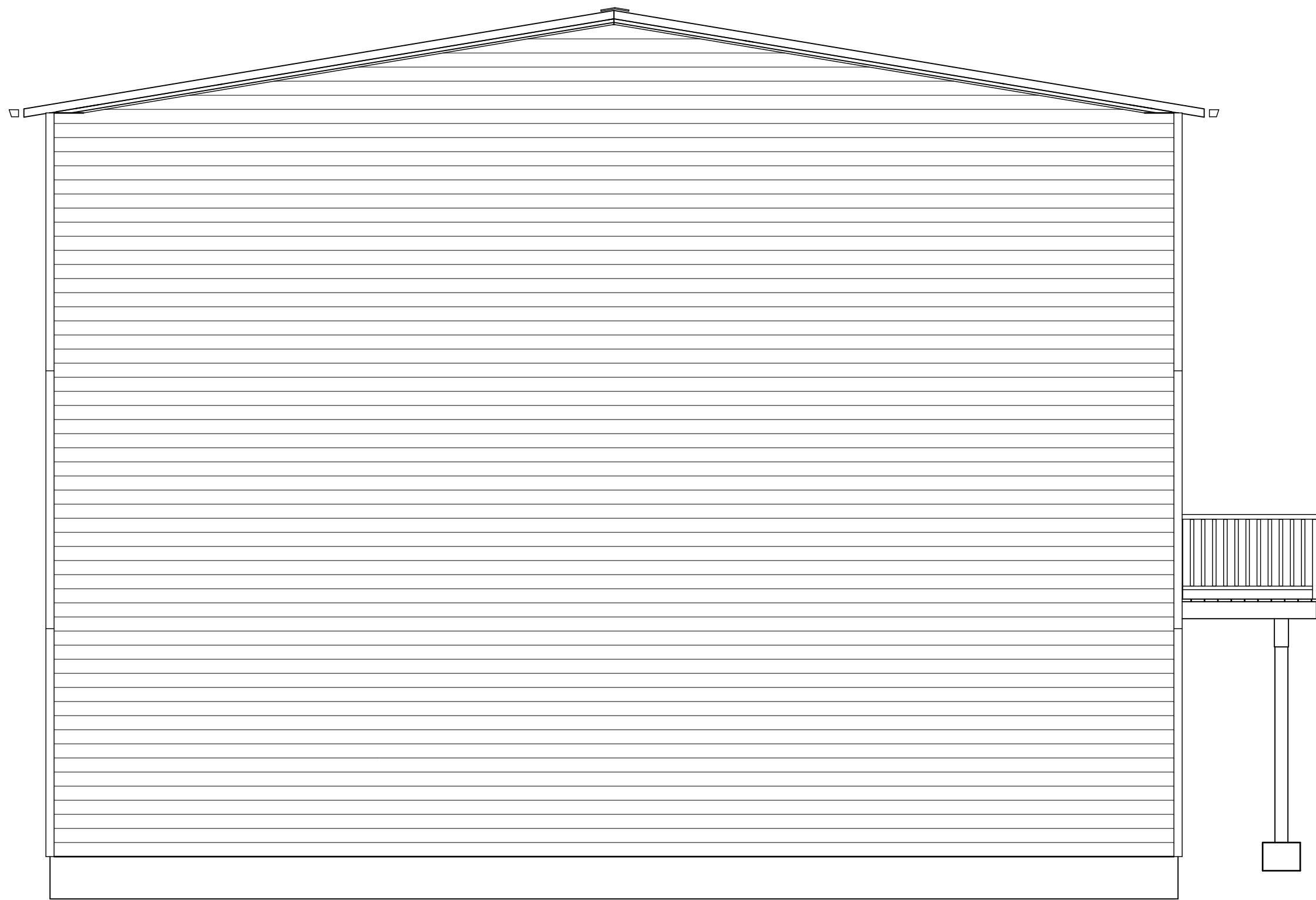
1/4" = 1'

SHEET:

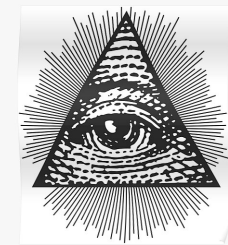
A9



Elevation 3



Elevation 4



REVISION TABLE		NUMBER	DATE	REVISED BY	DESCRIPTION

Elevations 3&4

Captain's Quarters
33 E 9th Street

DRAWINGS PROVIDED BY:
THOMPSON'S CREW
OUR WAY OR YOUR LOSS
(541) 819-1319

DATE:

9/7/2023

SCALE:

1/4" = 1'

SHEET:

A10

STAFF REPORT

Townhouse Planned Unit Development Application

APPLICANT: Andrew Fyke

A. REPORT OF FACTS

1. Applicant's Request: The applicant is proposing a four-unit Townhouse Planned Unit Development. The property has a four-unit multi-family structure that is under construction and no modifications to this permit are proposed. The request is to divide the property into four parcels with one residential dwelling on each parcel. The proposed property lines are to be through the common walls between the existing residential dwellings.
2. Property Location: The property is located at 33 East 9th Street and further identified on the Lincoln County Assessor's Map #14-12-27-AD as Tax Lot 502.
3. Zoning: Residential Zone R-3
4. Plan Designation: Residential
5. Property Size: The existing parcel totals 0.31 acres, or 13,503.6 square feet.
6. Existing Structures: One structure with four residential dwellings.
7. Surrounding Land Use: Surrounding land uses consist of commercial to the west, a mix of commercial and residential to the south and primarily single-family residential to the north and east. Surrounding zoning is commercial (C-1) and high-density residential (R-3).
8. Access: Access to the subject property is solely from East 9th Street. No direct access from Highway 101 exists at this time and none is proposed.
9. Existing Utilities:
Sanitary Sewer Services: City of Yachats
Water Services: City of Yachats
Electric Services: Central Lincoln PUD
10. Development Constraints: None.

B. EVALUATION OF REQUEST

1. Applicant's Proposal
The applicant submitted the required application form, fee, and description of the application.

2. Relevant Yachats Municipal Code Standards

Chapter 9.20 R-3 Residential Zone

9.20.010 Purpose.

The R-3 residential zone is intended to provide a quality environment for high density, urban, residential uses together with other compatible land uses determined to be desirable and/or necessary. In an R-3 zone the following regulations shall apply.

9.20.020 Permitted uses.

In an R-3 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:

- A. One single-family dwelling per tax lot;
- B. A recreational vehicle used for dwelling purposes during the construction of a new dwelling or a remodel that makes an existing dwelling uninhabitable during construction. A building permit shall be issued for the new or remodeled dwelling (temporary buildings or shelters of any kind are not permitted unless a building permit for the permitted use has been issued), provided such construction must be commenced within 90 days from the date that the recreational vehicle or manufactured dwelling is placed upon the property and further provided that such construction must be completed and the recreational vehicle or manufactured dwelling removed from the premises within one year from the date of the commencement of construction;
- C. Recreational Vehicle. See Chapter 9.68;
- D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- E. Planned unit development. (P.U.D.) except for manufactured home P.U.D. See Chapter 9.60;
- F. Townhouse planned unit development (P.U.D.). See Chapter 9.62;
- G. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood;
- H. Two-family dwelling;
- I. Multifamily dwelling;
- J. Factory built dwelling. See Definitions;
- K. Family day care provider;
- L. Residential home;
- M. Residential facility;
- N. Single-family manufactured homes on individual lots subject to the following restrictions:
 - 1. The manufactured home shall be multi-sectional and enclose a space of not less than 1,000 square feet. A manufactured home shall not be considered multi-sectional (double-wide or larger) by virtue of having a tip-out section.
 - 2. The manufactured home shall be placed on an excavated and backfilled foundation, enclosed at the perimeter with a skirting of concrete, concrete block, or masonry. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement or a garage, the 12 inch limitation will not apply.
 - 3. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required by single-family dwellings constructed under the state building code as defined in ORS 455.010.

4. The manufactured home shall bear an insignia, issued not earlier than three years prior to the date of application for a placement permit, showing compliance with Department of Housing and Urban Development standards.
5. If the manufactured home has a garage or carport, it shall be constructed of like materials.
6. Manufactured homes shall be subject to all of the restrictions in the residential zone where situated related to signs, lot sizes, yards, height of buildings, lot coverage and other applicable restrictions under the City's zoning and other ordinances.
7. The manufactured home shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.

9.20.030 Conditional uses.

Not Applicable

9.20.040 Standards.

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-3 zone the following standards shall apply:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in the R-3 zone shall be as follows:
 1. The minimum lot area shall be 6,000 square feet for a one-family dwelling; 7,500 square feet for a two-family dwelling; 6,000 square feet for the first dwelling unit and 2,500 square feet for each additional unit in a multifamily dwelling when a lot is served by both a public water supply and public sewage disposal system. However, the maximum density in the R-3 zone shall not exceed 12 dwelling units per acre.
 2. The minimum lot area shall be 7,500 square feet for a one-family dwelling and 15,000 square feet for a two-family dwelling and 7,500 square feet for each dwelling unit in a multifamily dwelling, when lot is served by a public water supply system, but cannot practically be served by a public sewage disposal system.
 3. The minimum lot width at the front building line shall be 50 feet for an interior lot and 55 feet for a corner lot when a lot is served by both a public water supply and sewage disposal systems.
 4. The minimum lot width at the front building line shall be 70 feet for an interior lot and 75 feet for a corner lot when a lot is served by a public water supply system but not a public sewage disposal system.
 5. The minimum lot depth shall be 80 feet.
 6. Landfill of dirt and rock only.
 7. Hazard areas:
 - a. Hillside building sites, see Chapters 9.44, 9.48 and 9.52;
 - b. Floodprone areas, see Chapter 9.54
 8. Undersize lots, see Chapter 9.76.
- B. Yards. The minimum yard requirements in the R-3 zone shall be as follows:

#1-THPUD-PC-24 Fyke Townhouse Planned Unit Development
June 18, 2024 Planning Commission Hearing

1. Front yard shall be a minimum of 20 feet.
2. Each side yard shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is greater. Corner side yards shall not be used for clothes lines, incinerators, permanent storage of trailers, boats and recreational vehicles nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
3. The street side yard shall be a minimum of 20 feet.
4. The rear yard shall be a minimum of 10 feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.
5. All patio structures and swimming pools shall be a minimum of five feet from any side or rear property line.
6. No structure shall be located closer than 60 feet from the center line of any state highway, nor 45 feet from the center line of any collector or arterial street.
7. A fence, wall, or sight-obscuring fence may be established and maintained immediately adjacent to an abutting property line provided it is no more than six feet in height (except where the clear-vision area would be impaired as defined in YMC Section 9.64.010), or no more than eight feet in height when permitted by conditional use in accordance with Chapter 9.80 of the YMC. When such a fence, wall, or sight-obscuring fence is placed on top of a retaining wall, the combined height of the wall and fence shall not exceed eight feet.
- C. Building Height. No building in the R-3 zone shall exceed a height of 30 feet from finished grade or from natural grade, see Chapter 9.52.180.
- D. Lot Coverage. Structures, including, but not limited to buildings, porches and decks shall not occupy more than 40% of the total lot area.
- E. Off-Street Parking. Refer to Chapter 9.48 – Off-Street Parking and Loading for parking requirements.
- F. Separation Between Buildings. The minimum separation between multifamily buildings shall be 30 feet unless the buildings are arranged end-to-end. In such a case, there shall be at least a ten-foot separation and no doorway or entry may open into the space between the buildings.
- G. Vehicle Access. Ingress or egress to a multifamily dwelling or commercial use shall not be allowed from less than a 35 foot right-of-way and a 25 foot all-weather travel surface that is accessible to emergency vehicles. In the event that a 35 foot right-of-way is not possible, a minimum 10 foot easement (five feet on each side of the travel surface) shall be dedicated to the City for utility purposes. Commercial uses and multifamily dwellings, shall not have vehicle access to or from a cul-de-sac.
- H. General Criteria. The vehicle and pedestrian access to the site can be safely and efficiently provided and the necessary utility systems and public facilities are available with sufficient supply and distribution capacity. If not provided by the City, it shall be the responsibility of the developer to insure these standards are met.

Chapter 9.62 Townhouse Planned Unit Development

9.62.010 Purpose.

The purpose of the Townhouse P.U.D. is to permit the application of new technology and greater freedom in design in land development than may be possible under a strict interpretation of the provisions of this title to allow for different ownership patterns by allowing townhouses in certain zones subject to specific development standards, to regulate the development of townhouses, and to outline specific development criteria and design parameters to protect public health, safety, and welfare. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same objectives as are proposed by the comprehensive plan for the area.

9.62.020 Definitions.

"Parent lot" means the legal lot or lots in existence prior to the townhouse planned unit development.

"Townhouse" means a residential building having a minimum of two accesses to the outside, which is detached from any other building or separated from any other building by one or more common walls, and which has its own underlying townhouse lot. A building may contain not more than two residential units in the form of stacked flats provided that the upper residential unit shall at all times be owned by the same owner as both the lower residential unit and the townhouse lot on which it is situated.

"Townhouse lot" means the underlying real estate associated with a townhouse.

9.62.030 General requirements.

- A. In the case of a townhouse planned unit development the regulations contained in this chapter and the underlying zoning district may, if necessary, be modified as they apply to streets, blocks and lots, lot area, lot width, lot depth, lot coverage, building setbacks, and parking when adequate access to major thoroughfares, adequate light and air circulation, recreational areas, and open space are provided.
- B. A townhouse planned unit development may be established in the R-2, R-3, and R-4 residential zones and the C-1 Retail Commercial zone.
- C. A townhouse planned unit development may include any uses permitted outright or conditionally in the zone in which it occurs.
- D. Requirements pertaining to density shall be guided by the standards of the zone in which the townhouse planned unit development is proposed, i.e. the maximum number of townhouse dwelling units shall not exceed that allowed by the underlying zone.
- E. Requirements pertaining to parking shall also be guided by the standards of the underlying zone. Those requirements may be modified in minor ways such as rounding down rather than rounding up in calculation of parking spaces and allowing the spaces to be less than the current parking space dimension required in the Code for the underlying zone.
- F. No building shall exceed a height of 30 feet except:
 - 1. That the height increase can be justified on the basis of unique lot characteristics, topographical conditions or other natural features; and/or
 - 2. That the height increase can be justified on the basis of amenities provided or concessions made by the developer for which some bonus incentive is warranted.

#1-THPUD-PC-24 Fyke Townhouse Planned Unit Development
June 18, 2024 Planning Commission Hearing

- G. The lot coverage for individual lots may exceed the maximum lot coverage of the underlying zone. The maximum lot coverage of the parent lot may not exceed the maximum lot coverage allowed in the underlying zone.
- H. All electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.
- I. The Planning Commission or City Council may require easements necessary for orderly extension of public utilities to future adjacent developments.
- J. If there are lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests those lands and/or structures must be subject to an association of owners or tenants created to form a nonprofit corporation under the laws of the State of Oregon. The association shall be formed and continued for the purpose of maintaining such common areas and structures.
- K. Developments shall provide for safe, well-marked pedestrian ways that do not conflict with vehicular traffic.

9.62.040 Procedure for proposing Townhouse P.U.D.

- A. Preliminary Plan Application. An applicant shall submit at least five copies of a preliminary plan of a townhouse planned unit development to the Planning Commission for study at least 30 days prior to the Planning Commission meeting at which it will be discussed. The preliminary plan shall include the following data:
 - 1. The name, address and phone number of the land owner, partitioner and engineer or surveyor;
 - 2. The tax lot number and the section, township and range in which the property is located;
 - 3. The date, north point and scale of the drawing;
 - 4. A vicinity sketch showing the location of the Townhouse P.U.D. in relation to known landmarks in the City;
 - 5. The approximate location and dimensions of all proposed boundary lines;
 - 6. Approximate area of the property being subdivided and each parcel;
 - 7. Name, location and width of all existing and proposed roads, rights-of-way and easements;
 - 8. Existing zoning of the property;
 - 9. Existing and proposed uses of the property;
 - 10. Approximate location and use of all existing structures to remain on site. Indicate those to be removed;

#1-THPUD-PC-24 Fyke Townhouse Planned Unit Development
June 18, 2024 Planning Commission Hearing

11. Any limitations to development; e.g., topography, areas subject to flooding, geologic hazards, drainage channels on property, etc. In areas of 12% or greater slope, a geological report shall be submitted, in accordance with provisions of Section 9.52.050;
 12. Proposed use, location, dimensions, height and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building;
 13. Proposed circulation pattern including the location, width and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;
 14. Proposed use of all open spaces including a plan for landscaping;
 15. Proposed grading and drainage pattern;
 16. Proposed method and plan for provision of water supply, sewage disposal, and electrical facilities; plan.
 17. Relationship of the proposed development to the surrounding area and to the comprehensive
- B. Review of Preliminary Plan by Other Departments. Within five days after the Townhouse P.U.D. application is submitted and prior to consideration of the preliminary plan by the Planning Commission, the City Recorder shall distribute copies of the preliminary plan to the Yachats Public Works Department; Yachats Rural Fire Protection District; Oregon Department of Transportation, if the proposed development is within 1,000 feet of a state highway; and to any other appropriate federal, state or local agencies. Officials of these agencies shall be given at least 10 days to review the plan, suggest revisions, and return the plans to the Planning Commission.
- C. Approval of Preliminary Plan.
1. When all comments and recommendations from appropriate agencies or departments have been received or within 45 days after receiving the application as provided for in this title, whichever date shall occur first, the City staff shall place the preliminary plan on the agenda of the next scheduled meeting of the Planning Commission and notify the applicant of the meeting date and time. Following consideration of the preliminary plan, the replies from the other agencies and departments and such other testimony offered, the Planning Commission shall schedule a hearing within 45 days. At the conclusion of the hearing, the Planning Commission shall approve, conditionally approve, disapprove for cause or, when further information is required, postpone a decision on the preliminary plan. Unless appealed, the decision of the Planning Commission shall become effective on the fifteenth day after rendered. The approval or conditional approval is valid for two years from the effective date of that approval.
 2. If the preliminary plan for the townhouse planned unit development is approved, the Planning Commission (or City Council in the case of appeal) may attach conditions it finds necessary to carry out the purpose of this title. These conditions may include, but are not limited to, the following:
 - a. Increasing the required setbacks;
 - b. Limiting the height of buildings;

#1-THPUD-PC-24 Fyke Townhouse Planned Unit Development
June 18, 2024 Planning Commission Hearing

- c. Controlling the location and number of vehicular access points;
 - d. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation, in accordance with recommendations given by the Yachats department of public works and/or the public works and streets commission, and the Yachats Rural Fire Protection District;
 - e. Increasing the number of parking spaces and improving design standards for parking areas;
 - f. Limiting the number, size, location and lighting of signs;
 - g. Designating sites for open space and recreational development, and, in general, improving landscaping requirements;
 - h. Requiring additional view-obscuring screening or fencing;
 - i. Requiring appropriate contractual agreement with the county or with special districts to assure development of streets, curbs, gutters, sidewalks, and all utilities to acceptable standards.
- D. Approval of Final Plan.
- 1. Within three years after the approval of the preliminary plan, a map of the Townhouse P.U.D. may be submitted to the Planning Commission for approval. The map shall be a survey of the P.U.D. or a photographic copy thereof. Maps shall be in substantial conformity to the approved preliminary plan and conditions of approval.
 - 2. In addition to the information as required on the preliminary plan the following information shall be provided:
 - a. Accurate legal description of all parcels and roads;
 - b. The deed dedicating to the public all common improvements, including, but not limited to, streets and roads, the donation of which was made a condition of approval of the preliminary plan for the Townhouse P.U.D.;
 - c. A copy of all protective deed restrictions;
 - d. Street and drainage construction plans;
 - e. The certification regarding the availability of water and sewerage services as provided in Section 9.60.040;
 - f. The location of the approved site for the septic system if applicable.
 - g. Within thirty days of the receipt of a Townhouse P.U.D. map as provided in this title, the City staff shall refer the map to the Planning Commission for a decision. The applicant shall be notified in writing of the time and place of the Planning Commission meeting. Unless appealed, the decision shall become effective on the 15th day after rendered. When the approval becomes effective, the City Recorder shall endorse his or her approval on the map. The map shall then be recorded in the

offices of the county clerk, with a copy of the certified map retained by the City. Approval of the submitted map shall be considered as final when properly endorsed and recorded.

9.62.050 Development of a Townhouse P.U.D.

A. Building Permits.

1. Building permits for all or any portion of a Townhouse P.U.D. shall be issued on the basis of the approved plan. An application for a building permit shall be preceded or accompanied by submission of any required bonds or deeds for public dedication or contractual agreements for development of public facilities.
2. If no building permits have been issued within two years of the date of final approval of the Townhouse P.U.D. approval shall be terminated automatically unless a request to extend the time limit is approved by the City Council.

B. Abandonment. Upon abandonment of a particular development authorized under this section, or if the development has not been substantially completed within five years from the date of its final approval, the City Council may determine that the granting of approval shall be nullified.

C. Parks and Open Spaces. The Planning Commission may require the developer to provide up to 5% of the Townhouse P.U.D. area for park and recreation purposes. These areas shall be of a design and location acceptable to the Planning Commission, based on the suitability of the area for park and recreation purposes.

D. Partial Development. If a proposed Townhouse P.U.D. area includes only part of a tract owned by the subdivider, the Planning Commission may require a sketch of the tentative layout of streets in the remainder of that tract.

E. Duplication of Names. The name of a tentative plan must not duplicate the name used in any other legally recorded P.U.D. in Lincoln County, except for the words "town," "city," "place," "court," "addition" or similar words, unless the land platted is contiguous to and platted by the same party that platted the P.U.D. bearing that name, or unless the party files and records the consent of the party that platted the P.U.D. bearing that name. All plats must continue the block numbers of the plat of the same name last filed.

F. Water. All lots in the Townhouse P.U.D. shall be served by a public water system. No plat or map of a Townhouse P.U.D. shall be approved unless the City has received and accepted a certification by the City water superintendent that water will be available from the nearest point of supply.

G. Sewer. No plat or map of a Townhouse P.U.D. shall be approved unless the City has received and accepted:

1. A certification by the City sewer superintendent that sewage service will be available at the nearest point of collection.
2. Where sewerage service is not available, the Department of Environmental Quality or county health department shall approve the proposed use of the land for the Townhouse P.U.D. A statement that public sewerage service is not available and that the proposed method of sewage disposal has been approved will be provided to the purchaser of each lot or parcel in the proposed

**#1-THPUD-PC-24 Fyke Townhouse Planned Unit Development
June 18, 2024 Planning Commission Hearing**

Townhouse P.U.D. A copy of any such statement signed by the developer and endorsed by the Planning Commission chair shall be filed by the developer with the real estate commissioner.

- H. Power. All lots in a Townhouse P.U.D. shall be served by power (electricity). No plat of a Townhouse P.U.D. shall be approved unless the City has received and accepted a certification by the Central Lincoln PUD that power will be available from the nearest point of supply to every lot or parcel depicted in the proposed Townhouse P.U.D.
- I. Appeals. See Section 9.88.120.

3. Public Testimony

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

C. STAFF ANALYSIS

1. The Purpose of a Townhouse Planned Unit Development – YMC Section 9.62.010

The purpose of the Townhouse P.U.D. is to permit the application of new technology and greater freedom in design in land development than may be possible under a strict interpretation of the provisions of this title to allow for different ownership patterns by allowing townhouses in certain zones subject to specific development standards, to regulate the development of townhouses, and to outline specific development criteria and design parameters to protect public health, safety, and welfare. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same objectives as are proposed by the comprehensive plan for the area.

The permitted multi-family structure currently under construction complies with all standards of the R-3 residential zone. The objective of the Townhouse Planned Unit Development request is “to allow for different ownership patterns”. Currently, all four units sit on a single tax lot and must be treated as one property for purposes of financing or sale. The Townhouse Planned Unit Development would give each unit a separate legal description, allowing them to be sold or financed as individual dwelling units.

2. The Proposal and the R-3 Zone

- YMC Section 9.20.020 allows a Townhouse Planned Unit Development as a permitted use in the R-3 zone.
- YMC Section 9.62.030 (D) requires that a Townhouse Planned Unit Development adhere to the density standards of the underlying zone. In the R-3 zone, a multifamily dwelling requires 6,000 square feet of lot area for the first unit and 2,500 square feet of lot area for each additional unit. Four units can be accommodated on a 13,500 square foot lot. The subject property is 13,503 square feet.
- YMC Section 9.62.030 (E) requires that a Townhouse Planned Unit Development adhere to the parking standards of the underlying zone. A four-family dwelling requires six off-street parking spaces (YMC 9.48.010 (L) (1)). Eight spaces are provided.
- YMC Section 9.62.030 (A) says “In the case of a townhouse planned unit development the regulations contained in this chapter and the underlying zoning district may, if necessary, be modified as they apply to streets, blocks and lots, lot area, lot width, lot depth, lot coverage, building setbacks, and parking when adequate access to major thoroughfares, adequate light and air

circulation, recreational areas, and open space are provided". The proposed lot sizes and dimensions do not all adhere to the R-3 standards.

3. Vehicular Access

Access for all four units is proposed to be from East 9th Street. An easement for ingress/egress will be required. Staff consulted with Yachats Rural Fire Protection District regarding preferred width. A minimum of 16' in width was requested.

D. CONCLUSIONS

The Planning Commission has the discretion to 1) to continue the public hearing and request additional or revised information, 2) to deny the request, or 3) approve the request with conditions.

If the hearing is continued, the Planning Commission should state additional and/or revised information that is needed in order for the Commission to make an informed decision.

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.

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

- 1) Within one year of approval, the final plat shall be prepared by a professional land surveyor who is licensed in the state of Oregon. The plat shall conform to the surveying requirements of ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards. The final Townhouse PUD plat shall detail the access easement that provides adequate ingress/egress from East 9th Street to all four lots.
- 2) Upon completion, the plat shall be recorded in the office of the Lincoln County Clerk.

Submitted by,

Katherine Guenther
City Planner

PLANNING COMMISSION ISSUES LIST as of 05/21/24

Item #	Description	Assigned	Due Date	Status
1	Schedule next training session	KG		03/12: KG to talk to Hui about guidance on best practices to update Comp Plan. 02/23: Coordinate with Hui on next topic(s) and date.
2	Complete Wetland Inventory	KG		05/21: KG contacted by State Lands. We are next in line for review. 04/16: KG sent email to State for update. 04/09: No update. 03/12: No update from ODSD. Link to State Lands Inventory to be added to links page. 02/23: Pending response from ODSD.
3	Continue Implementation of Yachats Parking Mgmt Plan	LD		06/11: Continuing to make progress on various projects. 05/14: Public works to provide city with update. 04/16: LD to meet with Public Works tomorrow for update. 03/19: LD sent email and will meet with Public Works to discuss. 03/12: Public Works will probably implement portions of the plan at a time. LD to meet with Public Works to discuss next steps.
4	Obtain City Council approval of updates to Title 9			06/11: Reviewed and approved changes to building height calculation. KG to send update to DLCD with approved changes. 5/21: Final draft approved by commission. KG to advise DLCD of changes. 05/14: At DLCD for review. Completed review of draft with PC today. Final review 05/21. Postponed public meeting to 07/16. 04/09: Waiting on marked up version. Review in 05/14 Work Session. Present in public meeting 06/18. 03/12: PC members to review and familiarize themselves with content. Need review schedule added to application. KG to put out marked up version. 02/23: Need review by DLCD.

5	Amend Title 9 for Housing Implementation Plan			06/11: Cascadia Partners to start in the fall. 05/21: Will start review of Plan for new commissioner in 06/11 meeting. 05/14: Funding for implementaion approved by state. Waiting to see review scope of work document from Cascadia Partners. Will review plan with PC. 03/12: Waiting to see if 2024 State budget contains money to fund another round of grants. KG to check if what other communities. 02/23: Determine if there will be a next round of DLCD funding. Contact Cascadia Partners to get estimate of cost of hiring them to complete task. have made changes for HIP.
6	Revise/update City Comprehensive Plan			03/12: PC to wait on #1, #5 or #8 before proceeding. 02/23: Commissioners to review existing and prioritize which section(s) to work on.
7	Update application fees	KG		06/11: Now part of general review of all city fees. 03/12: Bobbie committed to meet with KG soon. 02/23: KG to meet with Bobbi to set fees.
8	Ordinance for ADU's			06/11: Commissioners to research documentation and laws in other cities. To discuss in 07/09 meeting. 05/14: On hold to see if can be included with HIP. Collecting information from various sources. 04/09: Present concept in public forum prior to writing ordinance. 03/12: KG to look at getting copies of Waldport ordinance as well as relevant parking ordinances.
11	Consolidate minor updates to ordinances			06/11: On hold until after completion of #4. 04/16: Minor error in Fences and Hedges standard pointed up need to identify and consolidate into one list other minor changes/corrections to ordinances. KG to retrieve existing list for review.

CLOSED PLANNING COMMISSION ISSUES

9	Add to Urban Growth Boundary			4/09: State passed legislation allowing for increase of UGB up to 50 acres with reduced requirements. Should city pursue? With no expressed need to expand, decided not to pursue. CLOSED
10	Credit at COG			05/14: With state funding for HIP and money in budget from planning consultation, will not need COG. CLOSED. 04/09: City has credit at COG for possible consultant. Could we use for HIP? Bobbi to look into this. May not be that straightforward.