

1. 2:00 P.M. Agenda

Documents:

[2024-08-20 Planning Commission Regular Meeting Agenda.pdf](#)

2. Meeting Material

Documents:

[Thornton Request For Variance.pdf](#)

[Thornton Staff Report.pdf](#)

[565 East 2nd Building Permit Review.pdf](#)

[565 East 2nd Street Aerial.pdf](#)

[Cedar Street Vacation Application.pdf](#)

[ADU Gauntlet.pdf](#)

[2024-07-16 Planning Summary.pdf](#)

[2024-07-09 Planning WS Summary.pdf](#)

[2024-08-20 Planning Commission Issues List.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Tuesday, August 20, 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 #1-VAR-PC-24 Thornton Variance Request
- V. Ongoing Business
 - a. Continued discussion of ADU's
- 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 08/15/2024 By: Kimmie Jackson, Recorder

Request for Variance or Nonconforming Use

Date: 25 July 2024

Applicant: Jan and Larry Thornton, Owners

Address: 565 East Second Street, Yachats, Oregon, 97498

Lincoln County Map / Tax Lot # 14-12-26-32-02800

2024 Yachats Municipal Code References:

Chapter 9.12 R-1 Residential Zone

Section 9.12.040 Standards, Paragraph B Yards, The minimum yard requirements in the R-1 zone shall be as follow:

Paragraph 3. The street side yard shall be a minimum of 20 feet.

Chapter 9.76 Nonconforming Lots and Uses

Section 9.76.020 Continuation of Nonconforming Use or Structure

Chapter 9.80 Variances

Section 9.80.020 Circumstances for Granting a Variance

Background:

We have submitted a building permit application to the City of Yachats to remove the existing deck on the east side of the existing house and replace it with a room. The proposed room would be within the same footprint of the existing deck. Upon review of the building permit application, the compliance with the required street side yard setback, for Cedar Avenue, was questioned.

Our first response was the existing deck should have been in compliance with the setback based on the original building permit plan review. The original building permit application was submitted to the City of Yachats on Jun 6, 2001, by W.T. Mullen Construction located in Waldport, Oregon. The original City of Yachats, Building Permit Review and Checklist was reviewed by Ron Thompson on July 13, 2001. That review indicated a required side yard setback of 10 feet and a declared setback of 20 feet for the Cedar Avenue side.

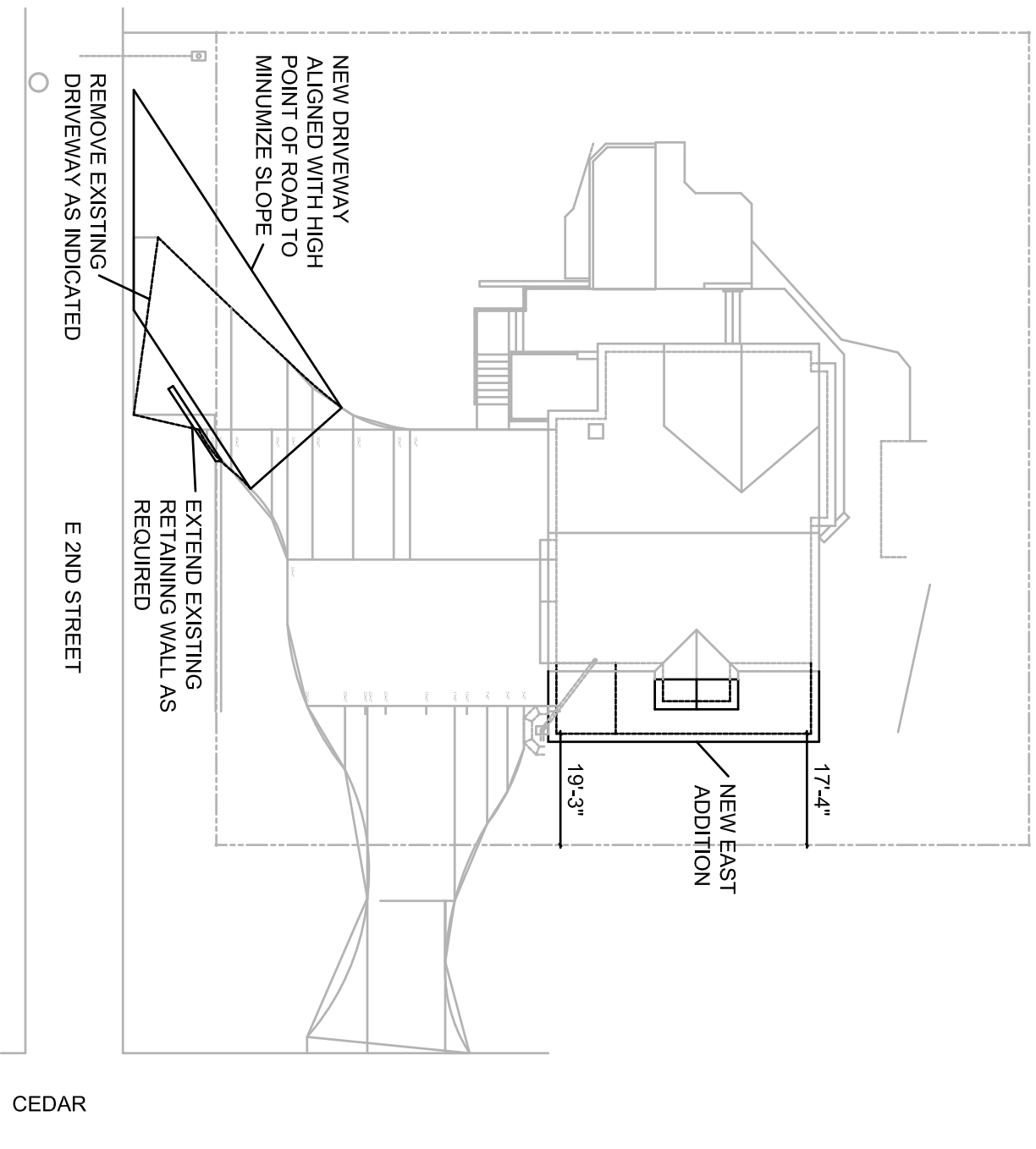
When we purchased the existing house in 2016, we had the existing property corners re-surveyed and identified. Using the re-surveyed existing property corners, field measurements were completed to verify the actual street side yard setback. It was found that the northeast and southeast corners of the existing deck are 17'-4" and 19'-3" respectively to the property line.

Therefore it appears that the existing deck could have been constructed with the appropriate setback under the original 2001 building permit plan review but does not comply based on the recent setback interpretation requirement.

One other issue to possibly consider; our neighbor to the east, Ethan Gray, has submitted an application vacate this section of Cedar Avenue. Ethan Gray is the current owner of 250 Cedar Avenue, tax lot #03500. Currently this portion of the road is only used as an outlet for our drive-through driveway and our neighbor's driveway. This portion of the road is extremely steep and does not appear to be practically extended. To date, the request to vacate the property has been put on indefinite hold. Based on my recent conversation with Dave Buckwald of Yachats Public Works, this decision is because the existing utilities in this area are not known. If the request to vacate is granted, then the setback criteria would not be an issue.

Request:

We would like to request either a variance for the street side yard setback of a few feet or a nonconforming use. In either case the nonconformance of the existing deck was not known until now, and we are not intending to make the situation any worse with the proposed remodel.



NORTH

SITE PLAN

SCALE: 1" = 20'-0"

SITE PLAN - KEYED NOTES: ☒

1

GENERAL NOTES:

1. THE CONTRACTOR SHALL FIELD VERIFY THE SITE CONDITIONS AND DIMENSIONS BEFORE STARTING CONSTRUCTION.

2021 OREGON RESIDENTIAL SPECIALTY CODE
CHAPTER 11: ENERGY EFFICIENCY:

1. WALL INSULATION - ABOVE GRADE: R-21 INTERMEDIATE
2. WALL INSULATION - BELOW GRADE: R-15 C.I. / R-21
3. UNDERFLOORS: R-30
4. FLAT CEILINGS: R-49
5. VAULTED CEILINGS: R-30
4. SLAB-EDGE PERIMETER: R-15
5. WINDOWS: U-0.27
6. EXTERIOR DOORS: U-0.20
7. EXTERIOR DOORS WITH >2.5 SQ FT GLAZING: U-0.40

THORNTON RESIDENCE
East Addition
565 East 2nd Street
Yachats, OR 97498

DATE: 22 May 2023
 PROJ NO: *
 REV:
 REV DATE:

STAFF REPORT

Variance Application

APPLICANT: Jan and Larry Thornton

A. REPORT OF FACTS

1. **Property Location:** The subject property is located at 565 E. 2nd Street and is described on Lincoln County Assessor's Map 14-12-26-CB as Tax Lot 2800.
2. **Applicant's Request:** The applicant is requesting a variance to reduce a street side yard setback to replace an existing deck with an addition to the existing home. The Cedar Avenue frontage is considered a street side yard. In the R-1 Residential Zone, a street side yard is required to be a minimum of 20 feet. The applicant is proposing to reduce that setback to 17 feet, 4 inches.
3. **Zoning:** Residential Zone R-1
2. **Plan Designation:** Residential
3. **Lot Size and Dimensions:** The subject property is approximately 0.23 acres with dimensions of 100 x 100 feet.
4. **Existing Structures:** Single-family residence
5. **Topography and Vegetation:** The lot slopes from north to south.
6. **Surrounding Land Use:** Single-family residential dwellings surround the property to the north, south, east, and west.
7. **Utilities:** Water and sanitary sewer – City of Yachats. Electric – Central Lincoln PUD.
8. **Development Constraints:** Steep slopes.

B. EVALUATION OF REQUEST

1. **Applicant's Proposal:**
The applicant submitted the required variance application form and fee, a narrative addressing the relevant criteria and a site plan.

2. Relevant Yachats Municipal Code (YMC) Criteria:

Yachats Municipal Code Section 9.12.040 Standards R-1 Residential Zone

Except as provided in Chapters 9.44, 9.48, 9.52 and 9.72, in an R-1 zone the following standards shall apply:

- A. Lot Size and Dimensions. The minimum lot size and dimensions in an R-1 zone shall be as follows:
1. The minimum lot area shall be 7,500 square feet when the lot is served by both a public water supply and public sewage system. **(Not applicable)**
 2. The minimum lot area shall be 20,000 square feet when a lot is served by a public water supply system, but cannot be practically served by a public sewage disposal system. **(Not applicable)**
 3. The minimum lot width at the front building line shall be 60 feet for an interior lot and 65 feet for a corner lot when a lot is served by both a public water supply and sewage disposal system. **(Not applicable)**
 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 by a public sewage disposal system. **(Not applicable)**
 5. The minimum lot depth shall be 80 feet. **(Not applicable)**
 6. Landfill of dirt and rock only. **(Not applicable)**
 7. Hazard areas: **(Not applicable)**
 - a. Hill-side building sites, see Chapters 9.44 through 9.52;
 - b. Flood-prone areas, see Chapter 9.54.
 8. Undersize lots, see Chapter 9.76. **(Not applicable)**
- B. Yards. The minimum yard requirements in the R-1 zone shall be as follows:
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 the 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. **(Not applicable)**

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. **(Not applicable)**
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. **(Not applicable)**
- C. Building Height. No building in the R-1 zone shall exceed a height of 30 feet from finished grade or from natural grade, see Chapter 9.52.180. **(Not applicable)**
- D. Lot Coverage. Structures, including, but not limited to buildings, porches and decks shall not occupy more than 30% of the total lot area. **(Not applicable)**
- E. Off-Street Parking. Refer to Chapter 9.48 – Off-Street Parking and Loading for parking requirements. **(Not applicable)**
- F. 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. **(Not applicable)**

Yachats Municipal Code Chapter 9.80 Variances

Section 9.80.010. Authorization to grant or deny variances.

The Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this title would cause an undue or unnecessary hardship. No variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title.

Section 9.80.020. Circumstances for granting a variance.

A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control;

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;
- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;
- D. The variance requested is the minimum variance which would alleviate the hardship;
- E. The hardship asserted as a basis for the variance does not arise from a violation of the zoning ordinance.

Section 9.80.030. Variance procedure.

The following procedures shall be followed in applying for action on a variance:

- A. A property owner may initiate a request for a variance by filing an application with the City Recorder, using forms prescribed pursuant to Section 9.88.040. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The City Council or Planning Commission may request other drawings or material essential to understanding of the variance.
- B. If the request for a variance meets all the requirements of this title, the City Recorder shall set a time for a public hearing before the Planning Commission on the request within 40 days from the filing thereof and shall cause notice to be given in accordance with 9.88.060.
- C. At the conclusion of the public hearing the Planning Commission may approve or deny the request, based on findings which address applicable variance criteria, pursuant to Chapter 9.88.

Section 9.80.040. Time limit on a variance.

Authorization of a variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on request.

- 3. **Public Testimony Received:** At the time this staff report was prepared, the City had received no written testimony.
- 4. **Public Agency Comment:** See C (2) below for timeline of Cedar Avenue vacation request.

C. STAFF ANALYSIS

1. Street Side Yard Setback Requirements

The required street side yard in all residential zones in Yachats is 20 feet. The primary intent of having increased side yard requirements adjacent to a street is to provide a clear-vision area. In this case, only one other property (250 Cedar Avenue) is served by the 100-foot stretch of undeveloped City right-of-way abutting the subject property.

2. Pending Street Vacation Request

On September 15, 2022, the City received a request to vacate the undeveloped 100-foot stretch of Cedar Avenue that abuts the applicant's property. The request was made by the owners of 250 Cedar Avenue, the other property sharing access from the undeveloped stretch of Cedar.

The request stalled behind another pending vacation application on Shell Street, but was finally heard by the Public Works and Streets (PW&S) Commission on November 14, 2023. PW&S said they "had no concerns about the vacation" and voted to forward the request to the Planning Commission. Before that decision was communicated to Planning, Public Works staff discovered that there were several large pipes in the Cedar Avenue right-of-way, and the request stalled again. At this time, the vacation request is "on indefinite hold" until Public Works is able to determine the purpose (if any) of any City infrastructure in the right-of-way.

Topographical maps indicate that there is approximately a 30-foot rise over the 100-foot run on the right-of way in question. Whether the City chooses to vacate this stretch of right-of way and retain utility easements or retain this right-of-way as City-owned property, it is doubtful that a street could ever be constructed that would meet minimum standards for grade.

If the pending vacation is approved, the applicant would gain 25 feet in width for the length of the lot. The side yard setback would revert to the standard 5-10 feet based on the height of the structure and a variance would no longer be necessary.

3. Circumstances for Granting a Variance

A variance may be granted only in the event that five circumstances exist. It is appropriate for the Planning Commission to consider each circumstance individually. Each circumstance for granting a variance is identified below and followed by staff analysis.

YMC Section 9.80.020 says:

A variance may be granted only in the event that all of the following circumstances exist:

- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which the applicant has no control;

Staff Response: The exceptional or extraordinary circumstance in this case is requiring a street yard setback from a street that the City has no intention of developing.

- B. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess;

Staff Response: The applicant is requesting to reduce the 20-foot required setback to a 17-foot 4-inch setback on a street side. The standard side yard setback (without street frontage) would be 10 feet based on the 30 feet of building height.

- C. The variance would not be materially detrimental to the purposes of this title, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy;

Staff Response: The City has received no written testimony stating the variance would be detrimental to property in the vicinity. The City does not envision extending Cedar Avenue as a street adjacent to the subject property because of the steep grade.

- D. The variance requested is the minimum variance which would alleviate the hardship;

Staff Response: The applicant is proposing to construct an addition within the street side yard setback that is already occupied by a deck. The deck was included in the original building permit application in 2001. Whether due to lack of a survey or a math mistake by the Planner at the time, a portion of the deck appears to extend roughly 2.5 feet into the required street side yard. The proposed addition would not increase the existing encroachment.

- E. The hardship asserted as a basis for the variance does not arise from a violation of the zoning ordinance.

Staff Response: There are no zoning ordinance violations.

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. 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. Development shall be in accordance with R-1 standards except for the approved variance that allows a minimum 17.5-foot street side yard adjacent to the Cedar Avenue right-of-way.
2. Authorization of this variance shall be void after one year unless substantial construction pursuant thereto has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one year, on request.

#1-VAR-PC-24 Thornton Variance Application
August 20, 2024 Planning Commission Meeting

Submitted by,

Katherine Guenther

City Planner

Enclosures: Aerial Map – 565 East 2nd Street
2001 Building Permit Application – 565 East 2nd Street
Cedar Avenue Vacation Application

CITY OF YACHATS
BUILDING PERMIT REVIEW and CHECKLIST
by PLANNER

REVIEWER: R. Thompson name DATE: 6-13-01

APPLICATION TO: ☒ERECT ☐ALTER ☐REPAIR ☐RELOCATE ☐DEMOLISH ☐CHANGE USE*

☒DWELLING ☐BUILDING ☐STRUCTURE or: ☐PLACEMENT OF MANUFACTURED HOME

*EXISTING USE: SFD

Old House to be removed

PROPOSED USE: SFD

☒APPROVED: DATE: 6-13-01

CONDITIONS: _____

☐WITHDRAWN: DATE: _____

☐DENIED: _____

PROPERTY OWNER: Dave & Cindy Palero PHONE: _____

MAILING ADDRESS: P.O. Box 1928 Waldport OR 97
street or box # city state zip

DEVELOPER/CONTRACTOR: W. T. Mullen Const. PHONE: 503-5422

SITE ADDRESS/LEGAL DESCRIPTION: 565 E. 2nd Yachats OR

MAP and TAX LOT #: 14-12-26-CB-2800 ZONE: R-1

FLOOD ZONE: C REQUIRED: _____ FEET

ELEVATION CERTIFICATE: ☐YES ☒NO ACTUAL: _____ FEET

NATURAL HAZARD AREA: ☐NO ☒YES: ☐≤12% ☐LANDSLIDE/ FAULT AREA

GEOTECH REQUIRED: ☐NO ☒YES: DATE RECEIVED: _____

BOND REQUIRED: ☒NO ☐YES: AMOUNT: _____ BOND RETURNED: ☐YES ☐NO:

LOT DIMENSIONS: 100' x 100' AREA: 10,000

ALLOWABLE COVERAGE: 3000

BUILDING FOOTPRINT AREA: house + deck 1749 BUILDING COVERAGE: 1796

BUILDING HEIGHT: 30' CLEAR VISION AREA: ☐NO ☐YES

REQUIRED SETBACKS: FRONT 20 BACK 10 SIDE 10 SIDE 10

DECLARED SETBACKS: FRONT 40' BACK 27 SIDE 36 SIDE 20

OF REQUIRED PARKING SPACES: 2 REQUIRED SPACES PROVIDED: ☒YES ☐NO

OTHER REQUIREMENTS: ☐NO ☐YES: _____ REC'D: _____

NOTES: Needs Geo Tech Report.

CITY OF YACHATS
BUILDING PERMIT FOLDER REVIEW and CHECKLIST
by PLANNING ASSISTANT

REVIEWER: Ron Thompson name DATE: 6-13-01

☒ BUILDING PERMIT APPLICATION ☒ CONTRACTOR'S STATEMENT ☒ 3 SETS OF PLANS
☐ APPLICATION INFORMATION SHEET ☒ FOLDER

DATE SDC'S PAID: WATER 03-04-80 ~~EXISTING~~ SEWER existing

☐ LOGGED IN BOOK ☒ RELEASED TO COUNTY - DATE: 6-15-01

OWNER MAILED NOTICE OF CONDITIONS or DENIAL - DATE: _____ ☐ COPY IN FILE

CULVERT PERMIT REQUIRED: ☐ NO ☐ YES: DATE RECEIVED: _____

CONSTRUCTION PERMIT REQUIRED: ☐ NO ☐ YES: DATE RECEIVED: _____

EXCAVATION PERMIT REQUIRED: ☐ NO ☐ YES: DATE RECEIVED: _____

CONTRACTOR BUSINESS LICENSE: ☒ YES ☐ NO: DATE APPLICATION REC'D: 0001474
Needs Renewal

DATABASE SHOWS CORRECT: ☒ LOT# ☒ HOUSE# ☒ ZONE ☒ SDC'S ☒ W/S ACCT#

EXISTING CITY WATER: ☐ NO ☒ YES: METER #: _____ ACCOUNT #: _____

EXISTING CITY SEWER: ☒ YES ☐ NO: AVAILABLE: ☐ NO ☐ YES: DATE IN: _____

☐ REC'D COUNTY COPY ☐ PERMIT #: _____ ☐ VALUATION ON DATABASE

☐ FINAL INSPECTION - DATE: _____ DONE PRIOR TO W/S? ☐ YES ☐ NO

HOUSE NUMBER DISPLAYED: ☐ YES ☐ NO: OWNER NOTIFIED - DATE: _____

IF BOND REQUIRED - DATE REC'D: _____ AMOUNT: _____

BOND RETURNED: ☐ NO: _____ ☐ YES: DATE: _____

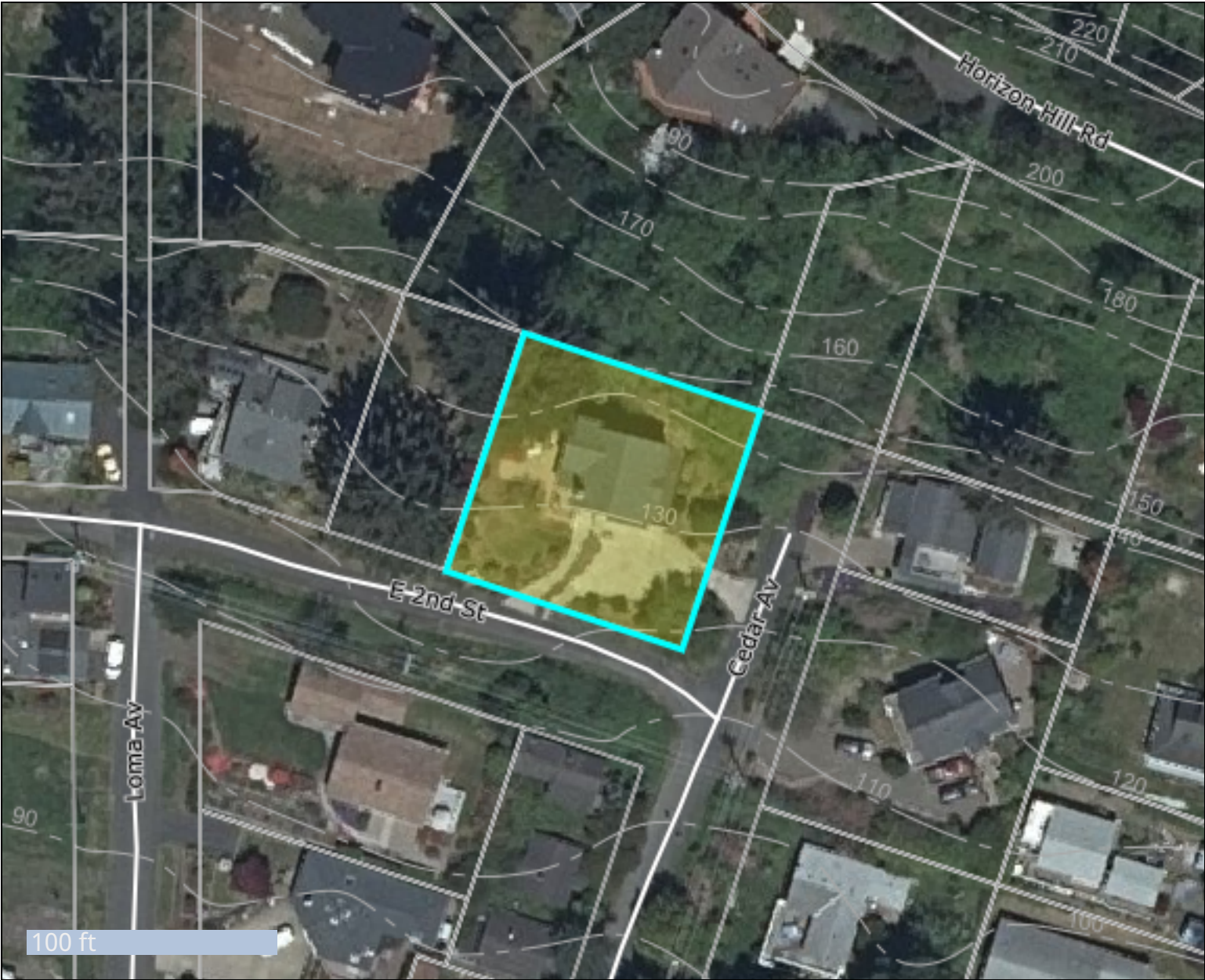
IF GEOTECH REQUIRED: OWNER NOTIFIED TO SUBMIT GEOTECH CERTIFICATION AT

COMPLETION OF PROJECT - DATE: _____

CERTIFICATION REC'D - DATE: _____

NOTES: _____

565 East 2nd Street



Legend

 Cities

 10 Foot Contours



CITY OF YACHATS
APPLICATION FOR CONSIDERATION OF A STREET VACATION

\$250 FEE

RECEIVED: 9-15-2022

DJE

Applicant: Ethan Gray

Address: 250 Cedar Ave

Telephone: 541-233-8770 Fax: _____

Email address: EthanGray@gmail.com

Area/Street for Vacation

Consideration: Top small section of Cedar ave below lot 7700
Attach a map with area marked (See attached)

Please state reasons why this vacation should be considered by the City of Yachats:

This is a small piece of land with no use case for the city.
Applicant will take over maintenance of the land and maintain ease
of access to front yard and driveway.

Street vacations are governed by Oregon Revised Status (ORS) Title 25 sections 271.005 to 271.230.

Yachats Code states: Proceedings to vacate a public street right-of-way by any abutting property owner shall be initiated by filing an application for consideration with the City Recorder on forms provided by the Recorder. A filing fee of two hundred fifty dollars (\$250.00) shall accompany the application. The city recorder shall refer the application to the Public Works and Streets Commission and, if necessary, the Planning Commission (hereafter "Commission(s)") for initial review. Any costs related to said vacation application and petition process over and above the initial fee shall be paid in full by the applicant.

Following review of the application by the Commission(s), the Commission(s) shall determine whether the vacation of the street as proposed is in the public interest and if there appears to be no reason why the applicant should not commence the petition process. In reviewing the application the Commission(s) shall determine if vacating the right-of-way would adversely effect the general vehicular or pedestrian traffic circulation system of the City and where current or future water and sewer lines and easements are or will be necessary.

The City shall notify the applicant of the Commission(s)'s determination. The determination made by the Commission(s) shall not be considered to be a recommendation, nor shall it be considered by the applicants to be the final determination of the City. Applicants may choose whether to rely on the Commission(s)'s determination in making their decision to pursue the petition process. Following notification, applicants who choose to pursue the vacation shall proceed with the vacation process as set forth in the Oregon Revised Status Title 25, Sections 271.005 to 271.230.

Petitions submitted with sufficient consent by the owners of abutting and area property shall be presented to City Council. The Council may deny the petition after notice to the petitioners, or if there appears to be no reason why the petition should not be allowed in whole or in part, the Council shall fix a time for a formal hearing upon the petition.

STREET VACATIONS

Proceedings to vacate a public street right-of-way requested by any abutting property owner are initiated by filing an application for consideration with the City Recorder, together with a filing fee of two hundred fifty dollars (\$250.00)¹.

The City Recorder will refer the application to the Public Works and Streets Commission and, if necessary, the Planning Commission for initial review.

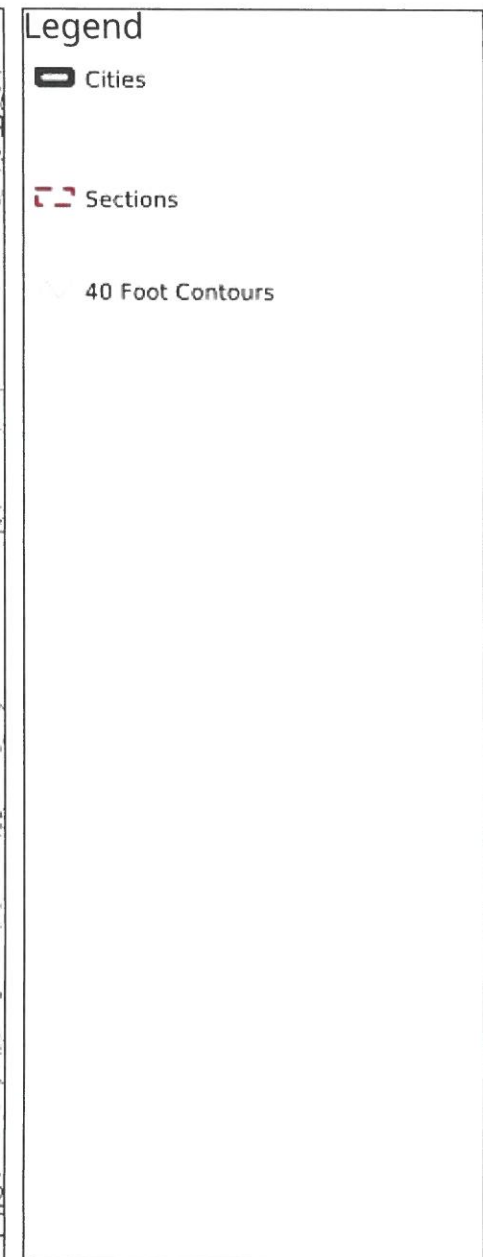
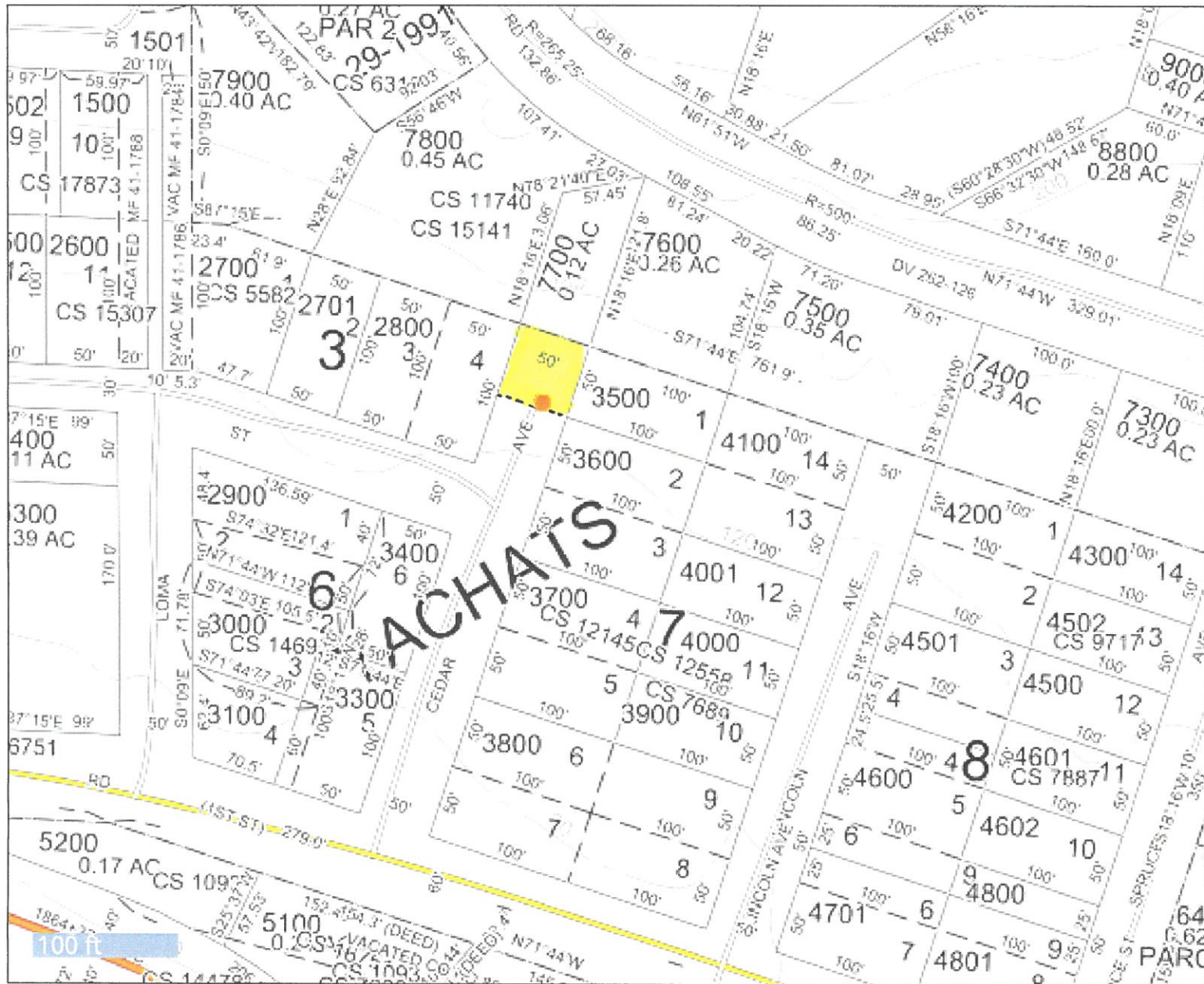
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The City will notify the applicant of the Commission(s)'s determination. The determination made by the Commission(s) should not be considered to be a recommendation to City Council, nor should it be considered by the applicants to be the final determination of the City.

Applicants may choose whether to rely on the Commission(s)'s determination in making their decision to pursue the petition process. Following notification, applicants who choose to pursue the vacation shall proceed with the vacation process as set forth in current Oregon Law (Oregon Revised Statutes) Sections 271.005 to 271.230.

Petitions submitted with sufficient consent by the owners of abutting and area property shall be presented to City Council. The Council may deny the petition after notice to the petitioners, or if there appears to be no reason why the petition should not be allowed in whole or in part, the Council shall fix a time for a formal hearing upon the petition.

¹ Any costs related to said vacation application and petition process over and above the initial fee shall be paid in full by the applicant.



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THE ADU GAUNTLET: SELECTED RESTRICTIONS AND REQUIREMENTS FOR ACCESSORY DWELLING UNITS (ADUs) IN CASCADIAN CITIES, EARLY 2013.

(Attached units, such as secondary suites and in-law apartments = AADUs; detached units, such as laneway houses and backyard cottages = DADUs.)

Please help us fact check and fill in the blanks!

CITIES	NUMBER OF ADUs ALLOWED PER LOT	OFF-STREET PARKING SPACES REQUIRED PER ADU	MUST PROPERTY OWNER LIVE ON THE SITE?	HOW MANY PEOPLE MAY LIVE ON THE LOT?	HOW BIG MAY ADUs BE? (IN FLOOR AREA)	WHERE IN THE CITY ARE ADUs ALLOWED?	MUST ADU MATCH HOUSE IN EXTERIOR DESIGN?	CITY POPULATION	ADU-FRIENDLINESS SCORE (0-100)
Vancouver, BC	1 AADU + 1 DADU	0	no	Each unit gets its own occupancy quota (e.g., ≤ 5 unrelated persons in each unit)	AADUs: ≥ 400 sq. ft. and $\leq$ area of primary dwelling. (Smaller permitted in condo AADUs.) DADUs: 280 - 500 sq. ft. (plus 220 sq. ft. garage, which most residents use as living space) and $\leq 12.5\%$ of lot.	AADUs in virtually all residential zones, even inside condos, where space and layout permit. DADUs: most single-family lots in city (including lots ≥ 33 ft. wide that adjoin lanes/alleys).	no	643,000	96
Seattle, WA	1	1	yes	Units share one occupancy quota (≤ 8 in both units, if any unrelated).	AADUs $\leq 1,000$ sq. ft.; DADUs ≤ 800 sq. ft. and $\leq 40\%$ of rear yard.	Most residential zones, but lot and unit size and characteristics must fit requirements. DADUs: sites $\geq 4,000$ sq. ft. and ≥ 25 ft wide and ≥ 75 ft deep.	no	608,660	58
Portland, OR	1	0	no	Units share one occupancy quota (≤ 6 , if unrelated).	≤ 800 sq. ft. and $\leq 75\%$ of primary unit. ADU & other accessory structures (such as garage, shed) cover $\leq 15\%$ of total site.	All lots in residential zones with a house, attached house, or manufactured home.	yes	583,776	72
Surrey, BC	1	1	yes	Surrey has no occupancy limits.	≤ 969 sq. ft. and $\leq 40\%$ of primary unit. ADU attached to garage (coach house): ≤ 500 sq. ft. above garage and ≤ 430 sq. ft. at grade.	AADUs in detached single-family houses in certain zones. DADUs: in certain zones, on lots with detached single-family houses that are either corner lots or have rear lane/alley access and are ≥ 95 ft. deep.	Usually no, but yes in some zones.	468,000	47
Burnaby, BC	1 AADU (but only for family members); 0 DADUs	0	no, but occupants must be related	3 unrelated in main dwelling + 2 adults in ADU, must be related to persons living main dwelling	No size limit.	In single-family and two-family dwellings in most residential zones. Also permitted inside some condos.	Not applicable because DADUs banned.	223,000	36
Spokane, WA	1	1	yes	Both units share one occupancy quota (≤ 6 , if any unrelated)	AADU: 250 - 800 sq. ft., not counting its garage, and $\leq 50\%$ of total footprint of primary dwelling. DADU: Footprint of DADU $\leq$ footprint of primary dwelling. Combined footprint of all detached accessory structures (e.g., DADU + garage) $\leq 1.5\%$ of lot. DADUs: ≤ 600 sq. ft. and DADU's area, minus its garage, counts toward floor-area ratio allowed in its zone.	On all residential lots with attached, detached, or manufactured single-family dwellings that lack a home-based business. In addition, AADUs allowed only where footprint of primary unit is ≥ 800 sq. ft., not counting garage.	yes	208,916	41
Boise, ID	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤ 5 unrelated persons in each unit)	ADU $\leq 10\%$ of lot and ≤ 600 sq. ft. and ≤ 1 bedroom.	All lots in residential zones.	yes	206,000	43
Tacoma, WA	1	1	yes	≤ 4 people in ADU. Also, as for other single-family dwellings, must have ≥ 300 sq. ft. per person. (This rule makes real limit ≤ 3 people, because no ADU can be $> 1,000$ sq. ft.)	300 - 1,000 sq. ft. and $\leq 40\%$ of combined area of primary and accessory unit and $\leq 10\%$ of lot.	Residential lots with detached single-family houses that meet minimum lot size requirement of their zone. In R-2 zone, e.g., lot $\geq 5,000$ sq. ft.	yes	198,000	38

CITIES	NUMBER OF ADUs ALLOWED PER LOT	OFF-STREET PARKING SPACES REQUIRED PER ADU	MUST PROPERTY OWNER LIVE ON THE SITE?	HOW MANY PEOPLE MAY LIVE ON THE LOT?	HOW BIG MAY ADUs BE? (IN FLOOR AREA)	WHERE IN THE CITY ARE ADUs ALLOWED?	MUST ADU MATCH HOUSE IN EXTERIOR DESIGN?	CITY POPULATION	ADU-FRIENDLINESS SCORE (0-100)
Richmond, BC	1 AADU, 1 DADUs	1, if on arterial streets	no	Each unit gets its own occupancy quota (e.g., ≤6 unrelated persons in each unit).	AADUs: 355 - 969 sq. ft. and ≤40% of total floor area of both units. DADUs: 355 - 753 sq. ft., combined with main dwelling's floor area ratio for lot . ADU attached to garage (coach house): 355 - 646 sq. ft., ≥75% of floor area above a garage or ≤60% in certain zones.	AADU: In single-family houses large enough to accommodate them. DADUs (coach houses attached to garage and free standing "granny flats"): in specified zones, must have vehicle access to a rear lane/alley.	yes	190,000	70
Yakima, WA	1	1	no	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	≤800 sq. ft. and ≤50% of primary dwelling.	On residential lots with detached single-family dwellings and lots ≥10,890 sq. ft. (a quarter acre).	yes	162,000	45
Eugene, OR	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	≤800 sq. ft. (more for certain flats)	AADUs: lots ≥4,500 sq. ft. (which includes most single-family lots in city) . DADUs: lots ≥6,000 sq. ft.	no	156,185	56
Salem, OR	0	ADUs not allowed	ADUs not allowed	ADUs not allowed.	ADUs not allowed	Nowhere	ADUs not allowed	155,000	-
Abbotsford, BC	1 AADU, 0 DADUs	1	yes	?	AADUs ≤969 sq. ft. and ≤40% of floor area of entire house.	Residential lots in specified residential zones (mostly low to medium density zones).	Not applicable because DADUs banned.	133,000	28
North Vancouver, BC	1	1	yes	≤3 unrelated in main, ≤4 (must be related) in ADU.	AADUs: 400 - 969 sq. ft. and ≤40% of total floor area of house. DADUs: ≤800 sq. ft. and ≤15% of lot area	In single-family houses. DADU: lots ≥ 3,900 sq. ft.	yes	132,000	38
Langley, BC	1 AADU, 0 DADUs	1	yes	Each unit gets its own occupancy quota (e.g., ≤4 unrelated persons in each unit).	≤40% of total floor area of house and ≤969 sq. ft.	In single-family houses. No DADUs.	Not applicable because DADUs banned.	129,000	38
Coquitlam, BC	1 AADU, 0 DADUs	1	?	?	AADUs ≤40% of total floor area of house.	In single-family dwellings that have no lodgers or boarders. No DADUs.	Not applicable because DADUs banned.	126,000	22
Bellevue, WA	1	1	yes	Units share one occupancy quota (≤6, if any unrelated).	300 - 800 sq. ft. and ≤40% of combined floor area of units, not including garage.	In existing single-family houses where no home-based business is located, ≥3 years after final inspection approval. DADU: lots ≥ 3,900 sq. ft.	?	122,363	39
Gresham, OR	1	1 or more, depending on unit characteristics	yes	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	AADUs ≤900 sq. ft. ; DADUs ≤750 sq. ft.	Lots with single-family houses in all residential zones. DADUs must attach to a garage.	yes	105,594	49
Everett, WA	1 AADU, 0 DADUs	1 (plus 2 for primary dwelling)	yes	Both units share one occupancy quota (e.g., ≤4 adults, if unrelated).	≤40% of total floor area of house and ≤800 sq. ft	On lots of ≥5,000 sq. ft. where there is a single-family house.	yes	103,000	29
Kent, WA	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤6 unrelated persons in each unit).	AADUs: ≤40% of primary unit. DADUs: ≤800 sq. ft. and ≤33% of primary unit.	On all lots with single-family dwellings.	no	92,000	53
Hillsboro, OR	1	1	yes	≤5 unrelated in primary dwelling + ≤3 related or unrelated in ADU.	250 - 750 sq. ft. and ≤75% of primary unit.	In most single-family residential zones.	yes	91,611	43
Vancouver, WA	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤6 unrelated persons in each unit).	300 - 800 sq. ft and ≤40% of primary unit.	Residential lots ≥4,500 sq. ft.	yes	91,000	38

CITIES	NUMBER OF ADUs ALLOWED PER LOT	OFF-STREET PARKING SPACES REQUIRED PER ADU	MUST PROPERTY OWNER LIVE ON THE SITE?	HOW MANY PEOPLE MAY LIVE ON THE LOT?	HOW BIG MAY ADUs BE? (IN FLOOR AREA)	WHERE IN THE CITY ARE ADUs ALLOWED?	MUST ADU MATCH HOUSE IN EXTERIOR DESIGN?	CITY POPULATION	ADU-FRIENDLINESS SCORE (0-100)
Beaverton, OR	1	1	yes	Each unit gets its own occupancy quota (e.g., ≤5 unrelated persons in each unit).	≤800 sq. ft. and ≤50% of primary unit. No DADUs.	In most single-family residential zones.	yes	89,803	39
Victoria, BC	1	0	no	Victoria has no occupancy limit.	AADU: ≤968 sq. ft. and ≤40% of primary unit. DADU: ≤400 sq. ft. or ≤600 sq. ft. on permitted larger lots	In most single-family neighborhoods. ADUs in detached single-family houses that are ≥1,600 sq. ft.,	yes	83,000	60
Nampa, ID	No limit on AADUs, 2 DADUs	0	no, but the units are not to be rented separately	Both units share one occupancy quota (≤6 unrelated people).	AADU: no limit, but only one bedroom and kitchenette only (no 220 watt power source) DADUs: must be smaller than primary dwelling, but only one bedroom and kitchenette only (no 220 watt power source)	Most residential zones.	no	82,000	67
Bend, OR	1	1	no	no limit	≤600 sq. ft. and ≤40% of primary unit.	In several residential zones.	yes	76,639	46
Meridian, ID	1	0	yes	Both units share one occupancy quota (≤10 people, if any unrelated).	≤700 sq. ft. and ≤1 bedroom.	On lots with single-family dwellings.	yes	75,000	58
Medford, OR	1	1	?	?	≤900 sq. ft. and ≤50% of primary unit.	?	yes	75,000	20
Springfield, OR	1	1	yes	?	300 - 750 sq. ft. and ≤40% of primary unit.	All low-density residential zones, except one historic district.	yes	59,403	27
Idaho Falls, ID	0	ADUs not allowed	ADUs not allowed	ADUs not allowed	ADUs not allowed	Nowhere	Not applicable because DADUs banned.	57,000	-
Corvallis, OR	1	0	yes	?	≤900 sq. ft. and ≤40% of primary unit	On very large lots in low-density residential zones (≥8,000 sq. ft. for DADUs, ≥6,000 sq. ft. for AADUs); on smaller lots in denser zones (≥3,500 sq ft. for DADUs, ≥2,500 sq. ft. for AADUs).	yes	54,462	39
Tigard, OR	1 AADU, 0 DADUs	1	yes	No occupancy limit.	≤800 sq. ft. and ≤50% of primary unit. No DADUs.	AADUs in all residential zones on lots with single-family houses. No DADUs.	?	49,011	34
Lake Oswego, OR	1	1	yes	≤2 in ADU.	250 - 800 sq. ft. or total floor area of all buildings on site ≤40% of lot size ("floor-area ratio" of 0.4), ≤1 bedroom.	All residential zones, on lots with single-family dwellings.	no	37,046	48
Oregon City, OR	1	0 or 1, depending on site characteristics	yes	?	300 - 800 sq. ft. and ≤40% of primary unit and ≤2 sleeping areas.	On lots in single-family zones.	yes	32,211	38
Tualatin, OR	1 AADU, 0 DADUs	1	?	?	≤800 sq. ft. and ≤50% of primary unit. No DADUs.	AADUs in certain residential zones on lots with single-family houses. No DADUs.	Not applicable because DADUs banned.	26,054	19
West Linn, OR	1	0 or 1, depending on site characteristics	?	Both units share one occupancy quota.	250 - 1,000 sq. ft. and DADUs: ≤30% of primary unit.	In residential zones on lots with single-family houses.	yes	25,392	48
Forest Grove, OR	1	1	yes	?	≤720 sq. ft. and ≤30% of primary unit.	In residential zones on lots with single-family houses.	yes	21,460	31
Milwaukie, OR	1	1	yes	No occupancy limit.	≤600 sq. ft. and ≤40% of primary unit.	In residential zones on lots with single-family houses.	yes	20,291	41
Ashland, OR	1	0 or 1, depending on site characteristics	No	?	DADUs: ≤1,000 sq. ft. and ≤50% of primary unit.	On lots in single-family residential zones. Conditional Use Permit required. (In most cities, such permits are expensive and time consuming to get.)	no	20,078	51
Wilsonville, OR	1	1, waived in rare circumstances	No	?	≤800 sq. ft. and ≤2 bedrooms (unless specified otherwise in adopted city plans).	On all lots with attached or detached single-family dwellings.	yes	19,715	45
Sherwood, OR	1	1	yes	?	≤40% of primary unit.	On lots with single-family dwellings.	yes	16,115	35

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Troutdale, OR	1	1	?	?	≤750 sq. ft. and ≤1 bedroom.	On lots with detached single-family dwellings, where the dwellings are ≥1,800 sq. ft., and the subdivision was recorded after July 27, 2000.	yes	15,595	28
Happy Valley, OR	1	1	yes, but owner may instead appoint a family member to live in one of the units as a caretaker	Both units share one occupancy quota (≤6, if any unrelated).	AADUs: ≤50% of primary unit. DADUs: ≤50% of primary unit and ≤1,000 sq. ft.	On lots with detached single-family dwellings. ADUs may not have their own garages, if the primary unit already has a garage.	yes	14,965	34
Cornelius, OR	1	1	yes	ADU: ≤2; or 1, if ADU is ≤500 sq. ft.	250 - 800 sq. ft and ≤30% of primary unit and ≤1 bedroom and coverage of lot by all structures ≤50% of ground area.	?	no	12,000	28
Gladstone, OR	1	1	yes	?	≤400 sq. ft. and ≤1 bedroom.	On lots with detached, single-family units.	yes	11,500	28
Damascus, OR	1	0	yes, but owner may instead appoint a caretaker to live in one of the units and serve as manager of both	?	≤800 sq. ft. and ≤40% of primary unit	?	no	10,656	38

Cities listed above Idaho Falls are most-populous in Cascadia, in order of size. Beneath Idaho Falls are selected smaller cities. Sources: City land-use codes and other documents from each city, along with consultations with planners from many cities. Developed in collaboration with the green building team at the Oregon Department of Environmental Quality, Portland, Ore. Much of this information was gathered by volunteers, not by Sightline staff. Please let us know of any errors or additional information to include. A fuller version of this table, with more details and citations, is posted at: <http://www.deq.state.or.us/q/sw/wasteprevention/greenbuilding.htm#current>.

CITY OF YACHATS PLANNING COMMISSION

ACTION SUMMARY

Date:	July 16, 2024
Time:	2:00 pm
Place:	441 Hwy 101 N., Commons Civic Meeting Room 1, Yachats OR 97498
Attending:	Loren Dickinson, Craig Hogan, Mary Aebi, Jim Paul, Jolene Gosselin, Chair Marc Sakamoto and Tod Davies, Co-Chair
Absent	N/A

1. Agenda Item Announcements/Correspondence

	None
Action Items:	

2. Agenda Item Citizens Concerns

	John Theilacker, 10 th St. – spoke regarding the housing implementation and referenced the townhouse plan unit development.
Action Items:	

3. Agenda Item Public Hearing Title 9 Changes

	Public Comment: John Theilacker, made some clarifications to section 9.040.020 Purpose; the goal is to be like the city's comp plan, policy 1..
	Don Haines, Creekside Ln, spoke regarding
	Norm Cimon, Coolidge Ln., commented and echoed Mr. Theilacker's comments; also commented on vacation rental section, and that it was reviewed and taken out because it's in Title 4.
	Jacqueline Danos, Springhill, spoke regarding the water limits, and needing a long-term water plan.

CITY OF YACHATS PLANNING COMMISSION

	The commission continues to review the redlined changes. Some final comments were around section 9.024.030 and to not compromise this portion of the language. Public Hearing closed at 2:51pm
Action Items:	Motion was made to recommend to council for adoption with the following: Purpose 9.420
	Aye: Aebi, Dickenson, Davies, Paul, Gosselin, Hogan, and Sakamoto
	Nay: None
4. Agenda Item Reports	
	Planners Report attached to the online packet. Commissions Chair meeting covered other commission/committee business; the library has moved, Layne Morrill was voted into sit on the Library Commission, the Ford Foundation grant was reviewed due to expiration, and made changes to rectify the grant; finance committee is reviewing the utility rates; emergency preparedness is having a fair Sept. 14th at the Commons. Discussion continued the discussion of ADU's.
Adjourned Meeting:	4:30 p.m.
Prepared By:	Kimmie Jackson, Recorder

CITY OF YACHATS PLANNING COMMISSION WORK SESSION

ACTION SUMMARY

Date:	July 9, 2024
Time:	10:00 am
Place:	441 Hwy 101 N., Commons Civic Meeting Room 1, Yachats OR 97498
Attending:	Loren Dickinson, Craig Hogan, Mary Aebi, Jim Paul, Jolene Gosselin, Chair Marc Sakamoto and Tod Davies, Co-Chair
Absent	N/A

1. Agenda Item Announcements/Correspondence	
	None
Action Items:	

2. Agenda Item	
	Preliminary discussion and introduction to AUDs for the city; developing a matrix of proposed plans; to include guidelines, regulations, criteria, options, design standards and parking requirements to start.
	Cascadia and DCLD will be weighing in on these issues.
Action Items:	Send out AUD Gauntlet to members from the chair.
	Public Input at the next meeting and the chair will need a script to read into the record for the hearing.
Adjourned Meeting	12:06 p.m.
Prepared By:	Kimmie Jackson, Recorder

PLANNING COMMISSION ISSUES LIST as of 07/16/24

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			07/09: Began review of various approaches to regulation. If time permits, will continue review 07/16. 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.