

1. 2:00 P.M. Agenda

Documents:

[2025-06-17 Planning Commission WS And Regular Agenda \(1\).Pdf](#)

2. Work Session Meeting Material

Documents:

[Code Amendments Memo 06172025.Pdf](#)  
[Suggested Amendments.pdf](#)

3. Regular Meeting Material

Documents:

[Ornelas Staff Report 06172025.Pdf](#)  
[Ornelas Application - Assessors Maps.pdf](#)  
[Ornelas Preliminary Sketch.pdf](#)  
[REVISED VARIANCE NARRATIVE - SKETCH.pdf](#)  
[Ornelas Variance Application.pdf](#)  
[Draft Order Ornelas Variance 06172025.Pdf](#)  
[CS 01058 Pg 1.Pdf](#)  
[2025-05-20 Planning WS And Reg Minutes Summary.docx \(1\) \(1\).Pdf](#)  
[Planning Commission Issues List.pdf](#)



CITY OF YACHATS  
PLANNING COMMISSION WORK SESSION  
Tuesday, June 17, 2025, at 2:00 pm  
To Be Held Via Zoom & In Person at:  
Commons Bldg., Civic Meeting Room 1  
441 Hwy 101 N., Yachats OR 97498

Join Zoom Meeting

<https://us02web.zoom.us/j/88930451065>

Meeting ID: 889 3045 1065

**Work Session**

- I. Meeting called to order
- II. City of Yachats Code Updates- Discussion
  - a. Definitions
  - b. Single Room Occupancy
  - c. Manufactured Housing

**Regular Meeting**

- I. Meeting Called to Order
- II. Announcements and Correspondence
- III. Citizens' Concerns (limited to items not on the agenda, 5-minute limit per person)
- IV. Public Hearings
  - a. Michael Ornelas -- Variance
- V. Ongoing Business - None
- VI. New Business - None
- VII. Reports
  - a. Commission Chairs' Meeting
  - b. Planner's Report
  - c. Meeting Summary
  - d. Issues List
- VIII. Other Business
  - a. From Commission
  - b. From Staff

This meeting is open to the public and all interested persons are invited to attend In Person and ZOOM Meetings. This meeting will be audio/video taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541- 547-3565 or Oregon Relay 1- 800-735-2900 (TDD) two days in advance. POSTED 06/10/2025 By: Kimmie Jackson, Recorder



## STAFF REPORT

**TO:** Yachats Planning Commission  
**FROM:** Dan Fleishman, Interim City Planner  
**SUBJ:** First Draft Suggested Code Amendments  
**DATE:** June 17, 2025

Attached is a first draft of various suggested amendments to the Yachats Land Use Code, for consideration by the Planning Commission. At the May 20 meeting, the Planning Commission reviewed the Code Audit performed by Cascadia Partners and requested that I return with these suggestions.

The suggested amendments address the following issues/topics:

### 1. Definitions changes

There are several definitions that I have suggested be amended, as well as some new ones to be added to the Code. Some of these reflect our discussion at the May meeting. Some come from some comments from Katherine. And some are necessary due to other changes being proposed.

### 2. Single Room Occupancy Dwellings

A new law, effective in January 2024, requires every local government to allow single room occupancy dwellings of up to 6 units wherever a detached single family dwelling would be permitted. ORS 197A-430 now reads

**197A.430 Single room occupancies.** (1) As used in this section, “single room occupancy” means a residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

(2) Within an urban growth boundary, each local government shall allow the development of a single room occupancy:

- (a) With up to six units on each lot or parcel zoned to allow for the development of a detached single-family dwelling; and
- (b) With the number of units consistent with the density standards of a lot or parcel zoned to allow for the development of residential dwellings with five or more units

The suggested amendments would add two definitions to the definition section; include SROs as permitted uses in the Residential and Commercial Zones, establish a density standard in the R-4 and C-1 zones (where multifamily is permitted), and establish a parking requirements of one space per unit.

### **3 Standards for Manufactured Housing**

Yachats' Code currently allows manufactured housing on individual lots in all three residential zones and the commercial zone. The Code establishes several standards for manufactured housing, but has none for site-built houses. ORS 197.478 prohibits the city from applying any standards to manufactured housing that are not applicable to site-built housing.

(4) A local government may not subject manufactured homes or prefabricated structures within an urban growth boundary, or the land upon which the homes or structures are sited, to any applicable standard that would not apply to a detached, site-built single-family dwelling on the same land, except:

- (a) As necessary to comply with a protective measure adopted pursuant to a statewide land use planning goal; or
- (b) To require that the manufacturer certify that the manufactured home or prefabricated structure has an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the Low-Rise Residential Dwelling Code as defined in ORS 455.010.

Therefore, I have suggested that all single family dwellings -- site-built, factory-built, and manufacture housing – all meet the same design standards. I have suggested that standards currently applicable to manufactured apply to all homes, with some modifications. If the Planning Commission is not agreeable to standards for site-built homes, then the other option would be to repeal these standards for manufactured homes.

### **4. Standard/Procedure for Setback Reduction**

At the May meeting, the Planning Commission requested a suggestion for changes in the Code relative to the process for reducing setbacks. I have not included one in the suggested amendments, pending further discussion by the Planning Commission. My more in-depth review of the Code since the May meeting reveals that a situation such as the application before the Planning Commission at the May meeting (a residential-only use in the C-1 zone) is the only instance in the Code where a reduction in setback is authorized. Otherwise, any other reduction from the minimums required in the Code would require a variance. As a reminder, in the C-1 zone, there are no minimum setbacks for commercial or mixed-use structures. However, the Code requires residential-only uses to meet the setbacks of the residential zones and allows the Planning Commission to reduce these after a public hearing. There are no standards or criteria to apply to such a request. I see two options for changes dealing with this situation:

- a. Remove the provision allowing a reduction from the minimums. This would require a residential-only use in the C-1 zone to meet the residential zone setbacks or request a variance. This option would look like this:

F. Yard Regulations. Yards are not required, except for residential-only uses,

unless setbacks have been established for road widening, abutment to residential zones or other purposes. Residential-only uses shall meet the minimum yard requirements applicable in the residential zones.

- G. ~~Residential-Only Uses~~ Off-Street Parking. Refer to Chapter 9.48 - Off-Street Parking and Loading for parking requirements.

- ~~a. Yards proposed to be less than the minimum yard requirements which apply in the residential zones shall be subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.72 Conditional Uses.~~

- ~~b. Parking requirements shall be the same specifications outlined in R-4.~~

- b. Allow a reduction by staff with clear and objective standards. This option would look like this:

- F. Yard Regulations. Yards are not required, except for residential-only uses, unless setbacks have been established for road widening, abutment to residential zones or other purposes.

- G. Residential-Only Uses.

- a. Yards proposed to be less than the minimum yard requirements which apply in the residential zones shall be ~~subject to approval by the Planning Commission through a public hearing in accordance with Chapter 9.72 Conditional Uses~~ permitted if the Yachats Fire District Fire Chief has submitted a written statement indicating that the proposed setback will provide for adequate access for fire-fighting purposes.

- b. Parking requirements shall be the same specifications outlined in R-4.

The agreement between the City and OCWCOG to provide interim services expires on June 30. OCWCOG stands ready to provide services as we have since early May or for these Code amendments as the Planning Commission and City Hall desire. However, this will require a new agreement. I will be traveling out of state for the month of July and the first week of August. I will be sporadically available but cannot be relied upon for prompt service. Should the City desire, I will work on any revisions to the first draft suggested amendments reflecting discussion at the meeting and have a second draft ready for your review at the July meeting. State law requires that the City provide 35-days' notice to DLCD prior to the first public hearing on any amendments, so the Planning Commission could not hold a hearing on these prior to the August meeting, anyway.

Finally, I want to make sure that you are aware of continued grant opportunities to assist with these code amendments. Just like the grant the provided the services of Cascadia Partners in conducting the code audit, another round of funding is available. The application deadline is August 4. If the ODWCOG staff is available to assist the City with the grant application. I have provided more detail on the grant opportunity to Bobbi.

# First Draft Suggested Amendments for Consideration by Yachats Planning Commission

Additions are underlined; deletions are ~~crossed-out~~

**Part 1.** Add, delete, and amend the following definitions in Section 9.04.030.

"Boundary line, front line" means the boundary line separating the lot or parcel from the street, other than an alley. In the case of a corner lot or parcel, the shortest boundary line along a street, other than an alley; ~~or~~, in the case of a lot or parcel which does not front directly upon a public street, that line toward which most houses in the immediate area face; or, in the case a double frontage lot the boundary line along the street from which vehicular access is gained.

"Dwelling" means a building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels and tourist courts.

Dwelling, Multifamily. "Multifamily dwelling" means a building containing three or more dwelling units.

Dwelling, Single-Family. "Single-family dwelling" means a building designed or used exclusively for the occupancy of one family and having kitchen facilities for only one family.

Dwelling, Two-Family. "Two-family dwelling" means one building containing two dwelling units (duplex).

"Dwelling unit" means one or more rooms designed for permanent occupancy by one family and having not more than one kitchen facility.

"Family" means ~~an individual or two~~one or more persons ~~related by blood, marriage, adoption or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than two additional persons; or a group of not more than three unrelated persons~~occupying a premises and; living together as one housekeeping unit ~~using one kitchen.~~

"Kitchen" means a room with cooking facilities that include, at a minimum, a cooktop and oven.

Lot Line, Front. "Front lot line" means the property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street other than an alley; ~~or~~, in a case where the lot does not front directly upon a public street, that lot line toward which most houses in the immediate area face; or, in the case a double frontage lot the boundary line along the street from which vehicular access is gained.

"Single Room Occupancy" means a building with no fewer than four attached but separate single room occupancy units and shared kitchen or food preparation facility(ies). Sanitary facilities (bathrooms) may be shared or may be provided within or between SRO units.

"Single Room Occupancy Unit" means an area within an SRO Development that is independently rented and lockable and provides living and sleeping space for the exclusive use of the unit occupant(s). The living and sleeping space may or may not include sanitary

First Draft Suggested Amendments for Consideration by Yachats Planning Commission

facilities.

"Rooming house" means a residential building or portion thereof providing sleeping rooms where lodging for three or more persons is provided for compensation.

**Part 2.** Amend Section 9.12.020 as follows:

In an R-1 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable:

A. One single-family dwelling, factory built dwelling, or manufactured home per tax lot; subject to the following restrictions:

1. The dwelling shall have a minimum horizontal dimension of 24 feet and enclose a space of not less than 1,000 square feet.
2. The dwelling 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 single-family dwelling is placed on a basement or a garage, the 12-inch limitation will not apply.
3. A 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 Low-Rise Residential Dwelling Code as defined in ORS 455.010.
4. If the dwelling has a garage or carport, it shall have the same exterior materials as the dwelling.
5. The dwelling shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.
- ~~4-6.~~ If a manufactured home, the transportation mechanisms, including wheels, axles, and hitch, shall be removed.

- 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. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use;
- D. Accessory buildings and uses to the extent necessary and normal in a residential

neighborhood;

- E. Planned unit development. (P.U.D.) except for a manufactured home P.U.D. See Chapter 9.60;
- F. Family day care provider;
- G. Residential home;
- H. ~~Factory built dwelling~~ Single Room Occupancy of no more than six single room occupancy units;

~~I. 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.~~

**Part 3.** Amend Section 9.16.020 as follows:

In an R-2 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:

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- A. One single-family dwelling, factory built dwelling, or manufactured home per tax lot subject to the following restrictions:
1. The dwelling shall have a minimum horizontal dimension of 24 feet and enclose a space of not less than 1,000 square feet.
  2. The dwelling 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 single-family dwelling is placed on a basement or a garage, the 12-inch limitation will not apply.
  3. A 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 Low-Rise Residential Dwelling Code as defined in ORS 455.010.
  4. If the dwelling has a garage or carport, it shall have the same exterior materials as the dwelling.
  5. The dwelling shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.
  - ~~6.~~ If a manufactured home, the transportation mechanisms, including wheels, axles, and hitch, shall be removed.
- 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 a 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;

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- H. Two-family dwelling;
- I. Family day care provider;
- J. Residential home;
- K. ~~Factory built dwelling. See Definitions~~ [Single Room Occupancy of no more than six single room occupancy units](#);
- ~~L. 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.~~

**Part 4.** Amend Section 9.20.020 as follows:

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, [factory built dwelling, or manufactured home](#) per tax lot [subject to the following restrictions](#);

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1. The dwelling shall have a minimum horizontal dimension of 24 feet and enclose a space of not less than 1,000 square feet.
  2. The dwelling 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 single-family dwelling is placed on a basement or a garage, the 12-inch limitation will not apply.
  3. A 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 Low-Rise Residential Dwelling Code as defined in ORS 455.010.
  4. If the dwelling has a garage or carport, it shall have the same exterior materials as the dwelling.
  5. The dwelling shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.
  6. If a manufactured home, the transportation mechanisms, including wheels, axles, and hitch, shall be removed.
- 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;

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- J. ~~Factory built dwelling. See Definitions~~ Single Room Occupancy of no more than six single room occupancy units or of more than six single room occupancy units provided the density does not exceed 12 single room occupancy units per acre;
- 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.~~

**Part 5.** Amend Section 9.24.020 as follows:

In an R-4 zone the following uses and their accessory uses are permitted subject to the provisions of Chapters 9.44, 9.48 and 9.52 where applicable.

- A. One single-family dwelling, factory built dwelling, or manufactured home per tax lot subject to the following restrictions:

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1. The dwelling shall have a minimum horizontal dimension of 24 feet and enclose a space of not less than 1,000 square feet.
  2. The dwelling 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 single-family dwelling is placed on a basement or a garage, the 12-inch limitation will not apply.
  3. A 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 Low-Rise Residential Dwelling Code as defined in ORS 455.010.
  4. If the dwelling has a garage or carport, it shall have the same exterior materials as the dwelling.
  5. The dwelling shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.
  - ~~4.6.~~ If a manufactured home, the transportation mechanisms, including wheels, axles, and hitch, shall be removed.
- 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, including condominiums, townhouses and apartments.

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- J. ~~Factory built dwellings. See Definitions Single Room Occupancy of no more than six single room occupancy units or of more than six single room occupancy units provided the density does not exceed 12 single room occupancy units per acre.~~
- K. Motel, hotel or resort on a minimum of 1.0 acre with direct access provided from U.S. High-way 101 only and with accessory commercial uses.
- L. Family day care provider.
- M. Residential home.
- N. Residential facility.
- ~~O. 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.~~
  - 7.1. ~~The manufactured home shall have a pitched roof not less than a nominal three feet in height for each 12 feet in width.~~~~

**Part 6.** Amend Section 9.28.010 as follows:

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

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- A. A governmental structure or use of land and public utility facility;
- B. Any use which would be permitted outright in any residential zone;
- C. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments;
- D. Personal or business service establishment such as barber or beauty shop, tailor shop or similar establishment;
- E. Financial institution;
- F. Business or professional office;
- G. Private museum or art gallery;
- ~~H. Family day care provider;~~
- ~~I. Residential home;~~
- ~~J. Residential facility;~~
- ~~K.H.~~ Automobile service station with direct access to U.S. Highway 101;
- ~~L.I.~~ Laundry or dry cleaning establishment;
- ~~M.J.~~ Restaurant, bar or tavern;
- ~~N. Motel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with accessory commercial uses;~~
- ~~O.K.~~ (Reserved).
- ~~P.L.~~ Mobile vending unit subject to the following restrictions:
  - 1. Prior to operating a mobile vending unit the operator shall:
    - a. Have written authorization from the property owner for the operation of a mobile vending unit;
    - b. Obtain a City business license;
    - c. Submit a description of operating characteristics, vehicular access and parking, and any other information required by the City. The operating characteristics, access and parking, and additional information are subject to review and approval by the City.
  - 2. Mobile vending units shall not be located in the public right-of-way (the exception to this is a "festival or community event" approved by City Council).
  - 3. The mobile vending unit operator/applicant is responsible for obtaining all required agency permits and approvals.

## First Draft Suggested Amendments for Consideration by Yachats Planning Commission

**Part 7.** Amend Section 9.48.010.L.1 as follows:

1. Residential Dwellings. Residential dwellings shall provide the following off-street parking spaces:

One-family dwelling, two spaces;

Two-family dwelling, four spaces;

Three-family dwelling, five spaces;

Four-family dwelling, six spaces;

Each additional unit, one and one-half space (rounded-up to the nearest whole number);

Single Room Occupancy, one space per single room occupancy unit.



**CASE FILE:** 2-VAR-PC-25  
**DATE FILED:** April 30, 2025  
**DATE APPLICATION DEEMED COMPLETE:** April 30, 2025  
**HEARING DATE:** June 17, 2025  
**PREVIOUS ACTION:** none

## STAFF REPORT

### Application for Lot Depth Variance

**APPLICANT:** Michael Ornelas

#### A. REPORT OF FACTS

1. **Property Location:** The subject property is located at 198 Yachats Ocean Rd and is described on Lincoln County Assessor's Map 14-12-27-DD as Tax Lot 2000.
2. **Applicant's Request:** The applicant is requesting a variance to allow the creation of a new parcel with a lot depth of less than 80 feet.
3. **Zoning:** Residential Zone R-1
4. **Plan Designation:** Residential
5. **Lot Size and Dimensions:** The subject property is 0.50 acres, with dimensions of 100-foot lot width with an average lot depth of 210 feet.
6. **Existing Structures:** There is an existing single family residence on the property.
7. **Topography:** The subject property is generally flat.
8. **Surrounding Land Use:** Properties immediately adjacent are developed in residential uses or vacant.
9. **Utilities:** Water and sanitary sewer – City of Yachats. Electric – Central Lincoln PUD.
10. **Development Constraints:** None.

## **B. EVALUATION OF REQUEST**

### **1. Applicant's Proposal:**

The applicant submitted the required application form and fee, a narrative addressing the relevant criteria and a proposed site plan. Following discussion with staff, a revised/supplemental narrative and revised site plan were submitted.

### **2. Relevant Yachats Municipal Code (YMC) Criteria:**

#### **YMC Section 9.12.040.A Lot Size and Dimensions in the R-1 Residential Zone**

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.

\*\*\*

5. The minimum lot depth shall be 80 feet.

#### **YMC 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:

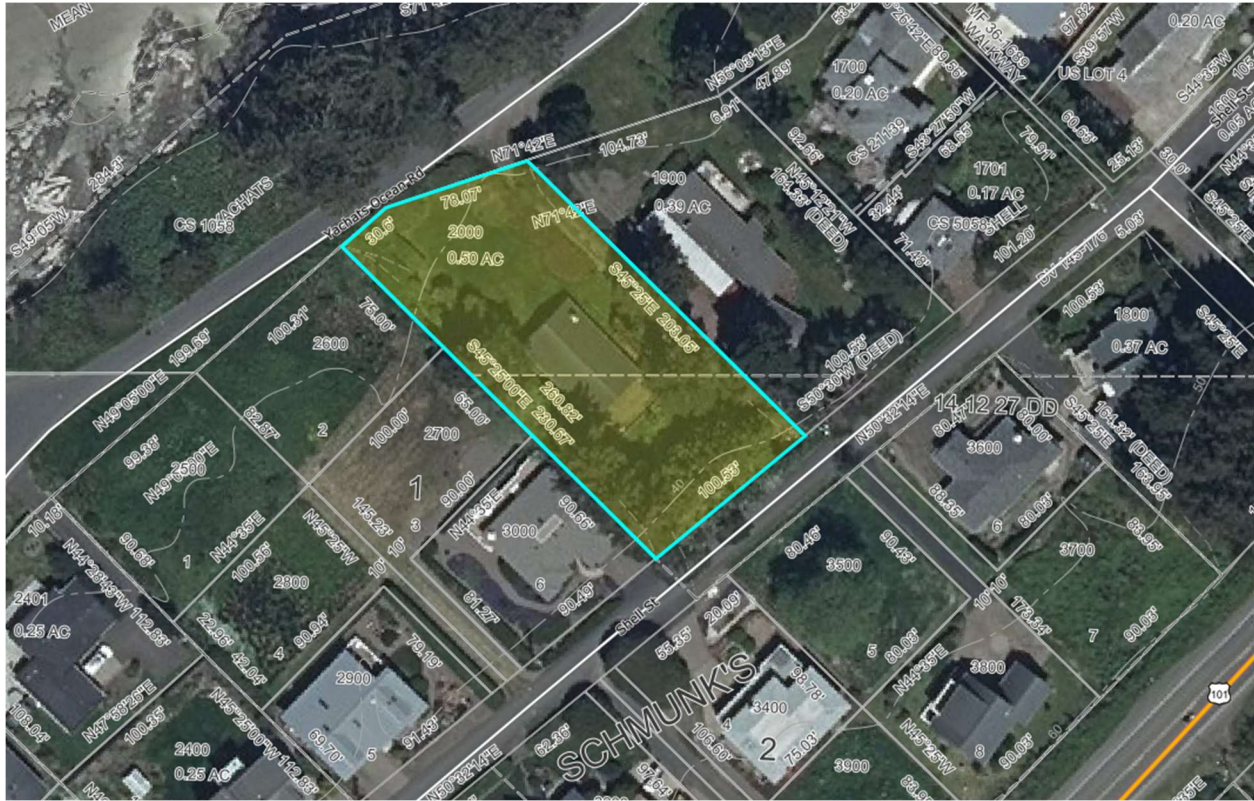
- A. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of the ordinance codified in this title, topography, or other circumstances over which 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.

**3. Public Testimony Received:** At the time this staff report was prepared, the City had not received any public testimony.

## **C. STAFF ANALYSIS**

The applicant is the owner of 0.5-acre parcel with frontage on both Yachats Ocean Rd and Shell St, improved with a pre-zoning single family home. An application for partitioning has not yet been submitted, but will presumably follow this application, should it be approved.

A copy of a 2023 aerial photo with the tax assessors maps is shown below.



## 1. Variance Requirements

As noted above, there are five criteria for granting a variance. In the current case the subject property is one of only three of the originally-sized lots originally created in the 1930s or 1940s. All the remaining lots in the general neighborhood have subsequently been divided. The location of the existing home on the lot means that a partitioning of the parcel cannot meet the lot depth standard without removal of the home.

The site plan shows the proposed lot line located such that both parcels meet the minimum lot area requirement, the existing home will meet the minimum side and rear yard requirements, and the new parcel will meet the lot area requirements as closely as possible.

I have reviewed the Comprehensive Plan and the purposes section of the Land Use Code and found nothing of relevance to the variance request.

## D. CONCLUSIONS

It appears to staff that the application meets the criteria to allow a variance.

## E. RECOMMENDATION

Therefore, the recommendation from staff is to approve the application as requested. Staff has prepared a draft order for consideration by the Planning Commission, attached. There may be testimony received between writing the staff report and the public hearing, or at the public hearing that necessitates revision of the draft order.

**F. OPTIONS AND SUGGESTED MOTIONS**

Staff has presented the Planning Commission with a number of options, with a suggested motion for each option. Staff recommends Option 1.

**1. Approve the application and adopt the Order of Approval as presented.**

I move the Yachats Planning Commission approve the application of Michael Ornelas for a reduction in the minimum lot depth standard of the R-1 zone and adopt the draft order of approval as presented.

**2. Approve the application and adopt the Order of Approval with modifications.**

I move the Yachats Planning Commission approve the application of Michael Ornelas for a reduction in the minimum lot depth standard of the R-1 zone and adopt the order of approval with the following modifications.

**3. Deny the application and direct staff to prepare an Order of Denial.**

I move the Yachats Planning Commission deny the application of Michael Ornelas for a reduction in the minimum lot depth standard of the R-1 zone for the following reasons and direct staff to prepare an order reflecting the decision for consideration by the Planning Commission at its July meeting.

**4. Continue the hearing until July.**

I move the Yachats Planning Commission continue the hearing on the application of Michael Ornelas for a reduction in the minimum lot depth standard of the R-1 zone until July 15, 2025.

**5. Close the hearing but leave the record open for submission of written testimony.**

I move the Yachats Planning Commission close the hearing on the application of Michael Ornelas for a reduction in the minimum lot depth standard of the R-1 zone, but leave the record open for submission of written testimony until July 1, leaving the applicant an additional seven days to rebut any testimony with a final close of the record on July 15.

**6. Close the hearing and record, and continue deliberation until July.**

I move the Yachats Planning Commission continue deliberation on the application of Michael Ornelas for a reduction in the minimum lot depth standard of the R-1 zone until July 15, 2025.

Submitted by,

Dan Fleishman  
Interim City Planner

Enclosures: 198 Yachats Ocean Rd Variance Application  
198 Yachats Ocean Rd Site Plan

#2-VAR-PC-25 Arnelas Lot Depth Variance Application  
June 17, 2025 Planning Commission Meeting

Revised/Supplemental Narrative  
Revised Site Plan  
Carolyn Beach survey plan  
Draft Order of Approval

COMBINED ASSESSOR'S MAPS  
14-12-34 AA & 14-12-27 DD

TWP. 12N. R. 12W. W.M.



SEE MAP 14 12 27

SEE MAP 14 12 27

MAP 14-12-34 AA MAP 14-12-27 DD

MAP 14-12-34 AA MAP 14-12-27 DD

YACHTS

INN

MINDY

302

328

33

HWY 101 S

SEE

PARTITION

PAR 1 P

PAR 2 P

PAR 3 P

PAR 4 P

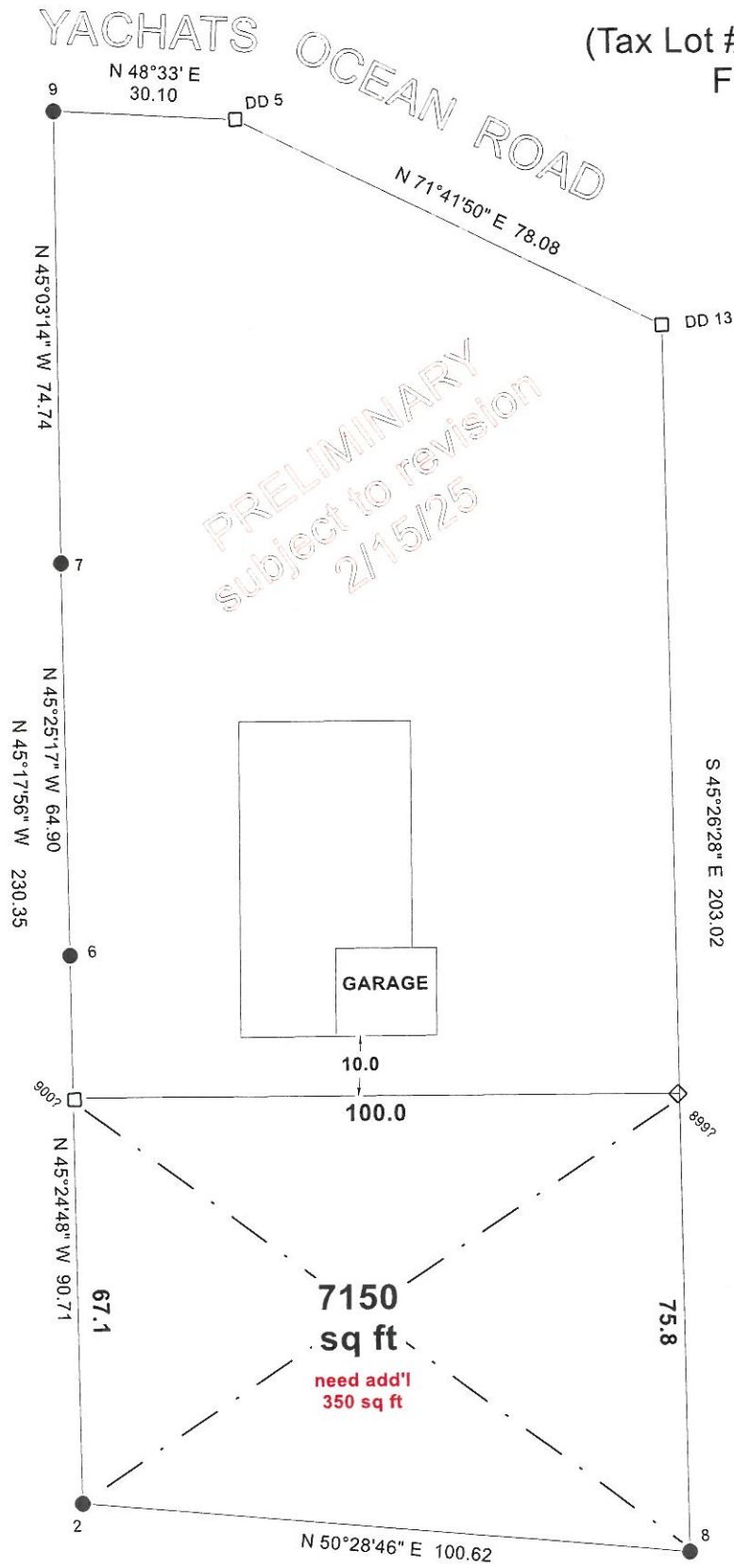
PAR 5 P

PAR 6 P

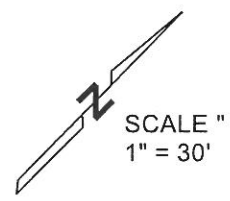
PAR 7 P

PAR 8 P

PRELIMINARY SKETCH  
 for  
 MICHAEL ORNELAS  
 of property described in  
 Doc 2024-5900  
 (Tax Lot #2000 Map 14-12-27 DD)  
 FEBRUARY 2025



PRELIMINARY  
 subject to revision  
 2/15/25



LEGEND  
 ● MONUMENT FOUND  
 ◇ CALCULATED POINT

prepared by ;  
 SWINEHART LAND SURVEYING  
 51 PIONEER TRAIL  
 TOLEDO, OREGON  
 541-961-4374

## **REVISED VARIANCE REQUEST NARRATIVE**

Tax Lot #2000 Map: 14-12-27 DD

Reference: 198 Yachats Ocean Road

revised 6/ 4/2025

Prepared for Michael Ornelas  
by Stephen L. Swinehart PLS  
Swinehart Land Surveying

NOTE: This revision is being submitted in order to correct the terminology used in the previous narrative. That narrative incorrectly requested exchanging the orientation of the words "width" and "depth".

The request is for a variance to the lot depth requirement contained in the Yachats Municipal Code Chapter 9.12.040 R-1 Standards

A. Lot Size and Dimensions:

5. The minimum lot depth shall be 80 feet.

### **GENERAL INFORMATION**

Tax Lot #2000 is ½ acre (22,108 sq ft) in size, with frontage on two public right of ways, Yachats Ocean Road and Shell Street. There is an existing one story 1274 sq ft single family residence with a 238 sq ft single car garage. According to the Assessor's records, the existing residence was built in 1955 and is the home of Holly Ornelas, Michael Ornelas's mother. The lot is currently served with city water and sewer, and the standard public utilities.

The variance request, if approved, will allow for the property to be partitioned, and a second single family residence for Michael and his family to be built with frontage onto Shell Street. Because of the uncertainty of a partition approval, there are no specific plans drawn up for the future second home at this time, but it will likely be ±1900-2000 sq ft with a two car garage. The decision to be a single story or a two story home has not been made, but the maximum 30% lot coverage requirement suggests a two story or split level design.

### **NEIGHBORHOOD DEVELOPMENT**

Tax Lot #2000 was apparently originally surveyed in the 1930's or 1940's as a part of an unrecorded subdivision to be known as Carolyn Beach, as shown on County Survey #1058 by D.B. Ambler. Over the years municipal services, particularly sewer and water, were added to the neighborhood. Nearly all of the 22 Carolyn Beach lots north of the Yachats Inn have been subdivided into smaller lots; only three lots (Tax Lot #2000, the neighboring T.L. #1900, and T.L. #1800 across Shell Street) are of their original size. Both T.L. #1900 (.39 acre) and T.L. #1800 (.37 acre) have existing residences. Of the other 19 Carolyn Beach lots north of the Yachats Inn, four of the original lots are now 30 lots in the Kohooregon development; the other fifteen lots from Carolyn Beach have become 38 R-1 lots.

Of those 38 R-1 lots, 11 do not appear to meet the current width and/or depth requirement of the Yachats Municipal Code. This is not to suggest that those properties did not meet the standards at the time they were developed. It is to point out that if the variance is granted, the resulting parcel will not be unusual for this neighborhood. In fact, Tax Lot #2700 that adjoins the southerly line of T.L.#2000 is nominally 65 ft x 100 ft, and oriented similar to the proposal for the Ornelas property.

#### CRITERIA FOR A VARIANCE

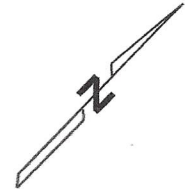
- A. The exceptional circumstance or condition in this case is the physical location of the existing residence built in 1955 near the center of the lot.
- B. The variance is necessary to allow the partition of the 22,000+ sq ft lot into two R-1 lots, which is substantially the same right as other property owners in the vicinity.
- C. The variance requested will not be detrimental to the public health, safety and general welfare of the residents in the vicinity, or within the general area of Yachats.
- D. The variance requested is the minimum required to remedy the condition.
- E. The condition for requesting this variance is not the result of a prior violation of the zoning ordinance. It is needed in order to proceed with a proposal for a partition of Tax Lot #2000.

If granted, this variance request will allow for one additional modest home to be built adjacent to a family member's existing residence.



Stephen L. Swinehart PLS  
Swinehart Land Surveying

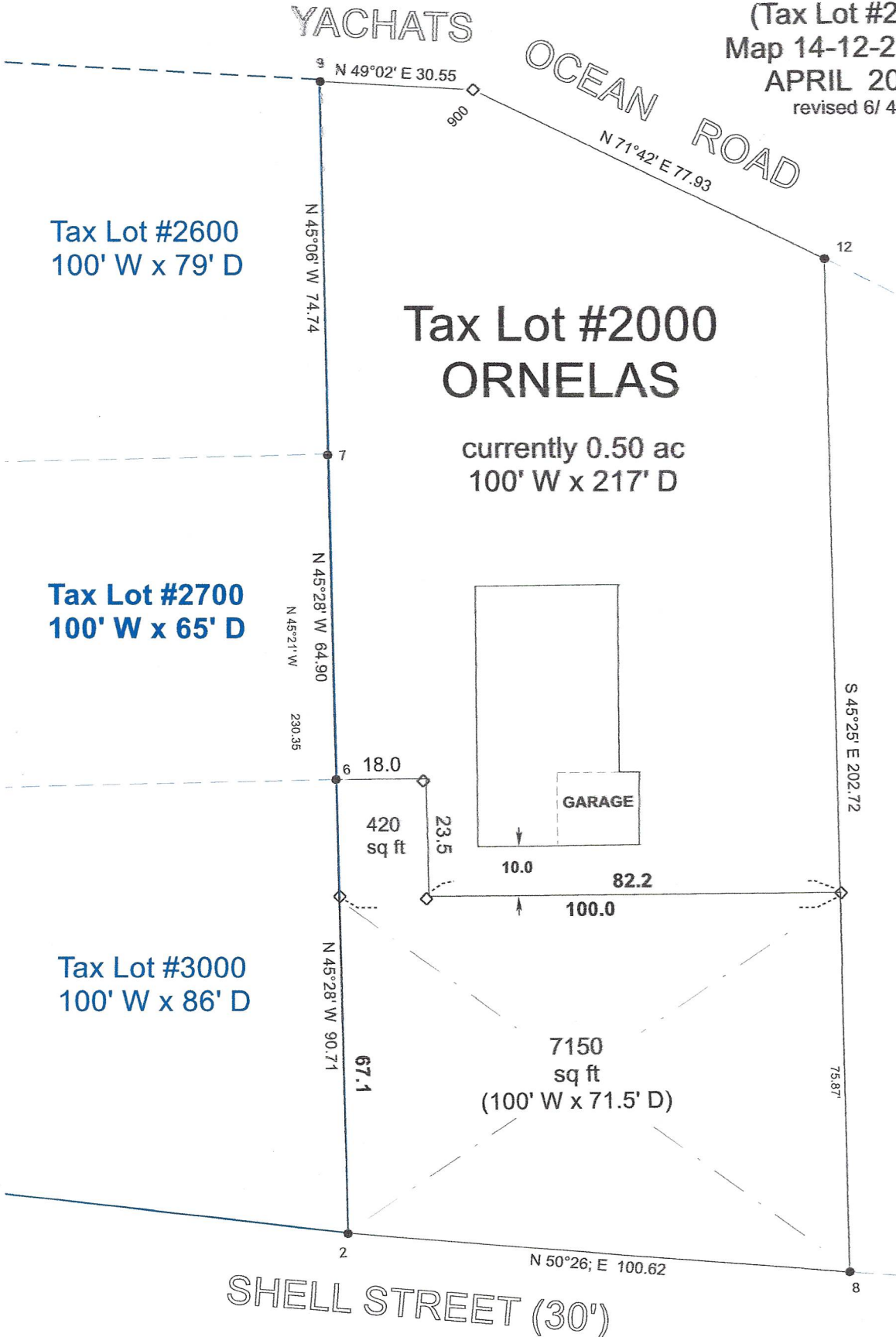
PRELIMINARY SKETCH  
 for  
 MICHAEL ORNELAS  
 of property described in  
 Doc 2024-5900  
 (Tax Lot #2000  
 Map 14-12-27 DD)  
 APRIL 2025  
 revised 6/ 4/25



SCALE  
 1" = 30'

LEGEND

- MONUMENT FOUND
- ◇ CALCULATED POINT



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Signature*

OREGON  
 JULY 16, 1982  
 STEPHEN LOY SWINEHART  
 2013

RENEWAL DATE : 6/30/26  
 prepared by ;  
 SWINEHART LAND SURVEYING  
 51 PIONEER TRAIL  
 TOLEDO, OREGON  
 541-961-4374

Land Use Application

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

Fees:  
Date Received: 4/30/25

- 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: MICHAEL ORNELAS Phone: (925) 550-8790  
 Address: 231 NW 3RD (SUBJECT PROPERTY: 198 YACHATS OCEAN DRIVE)  
 City: NEWPORT State: OREGON Zip: 97365

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

Legal Description: DOC 2024-5900 (Tax lot #2000 Map 14-12-27DD) Zoning: R-1

Lot Dimensions: 100'W x 217'D Area: 0.502c Flood Zone: \_\_\_\_\_

Natural Hazard: \_\_\_\_\_ Topography: GGLE SLOPE NWONLY

Directions to Property: SOUTH ACROSS YACHATS RIVER TO YACHATS OCEAN DRIVE

Previous Planning Actions on Property: \_\_\_\_\_

Reason for Request: PROPOSED 2 PARCEL PARTITION  
 Existing Structures on Property: SINGLE FAMILY RESIDENCE  
 Proposed Use and Structures: PARTITION FOR ONE ADDITIONAL RESIDENCE  
 Current Utilities and Providers: CITY SEWER & WATER ; POWER & TV, INTERNET  
 Anticipated Date of Development: ASAP

Land Use Application

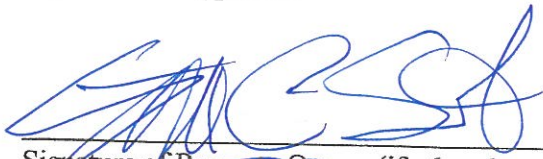
Supplemental Required Information

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
- N/A  Operating characteristics of all proposed commercial use
- N/A  Location, extent, arrangement, and proposed improvements of all off-street parking and loading facilities.
- Location of access to adjacent arterial or collector YAKHATS OCEAN ROAD  $\frac{1}{2}$
- N/A  State or County Road Approach Permit SHELL STREET
- Narrative which address applicable ordinance standards (required for all land use actions)
- Other: \_\_\_\_\_

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

  
\_\_\_\_\_  
Signature of Applicant

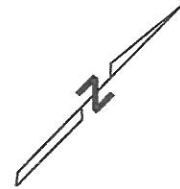
 FIS SURVEYOR  
\_\_\_\_\_  
Signature of Property Owner (if other than applicant)

PRELIMINARY SKETCH

for  
MICHAEL ORNELAS  
of property described in  
Doc 2024-5900  
(Tax Lot #2000  
Map 14-12-27 DD)  
APRIL 2025

YACHATS

OCEAN ROAD



SCALE  
1" = 30'

LEGEND

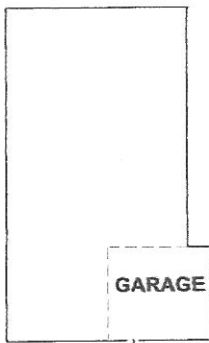
- MONUMENT FOUND
- ◇ CALCULATED POINT

Tax Lot #2600  
100' W x 79' D

**Tax Lot #2000**  
**ORNELAS**

currently 0.50 ac  
100' W x 217' D

Tax Lot #2700  
100' W x 65' D



GARAGE

Tax Lot #1900  
0.39 ac

Tax Lot #3000  
100' W x 86' D

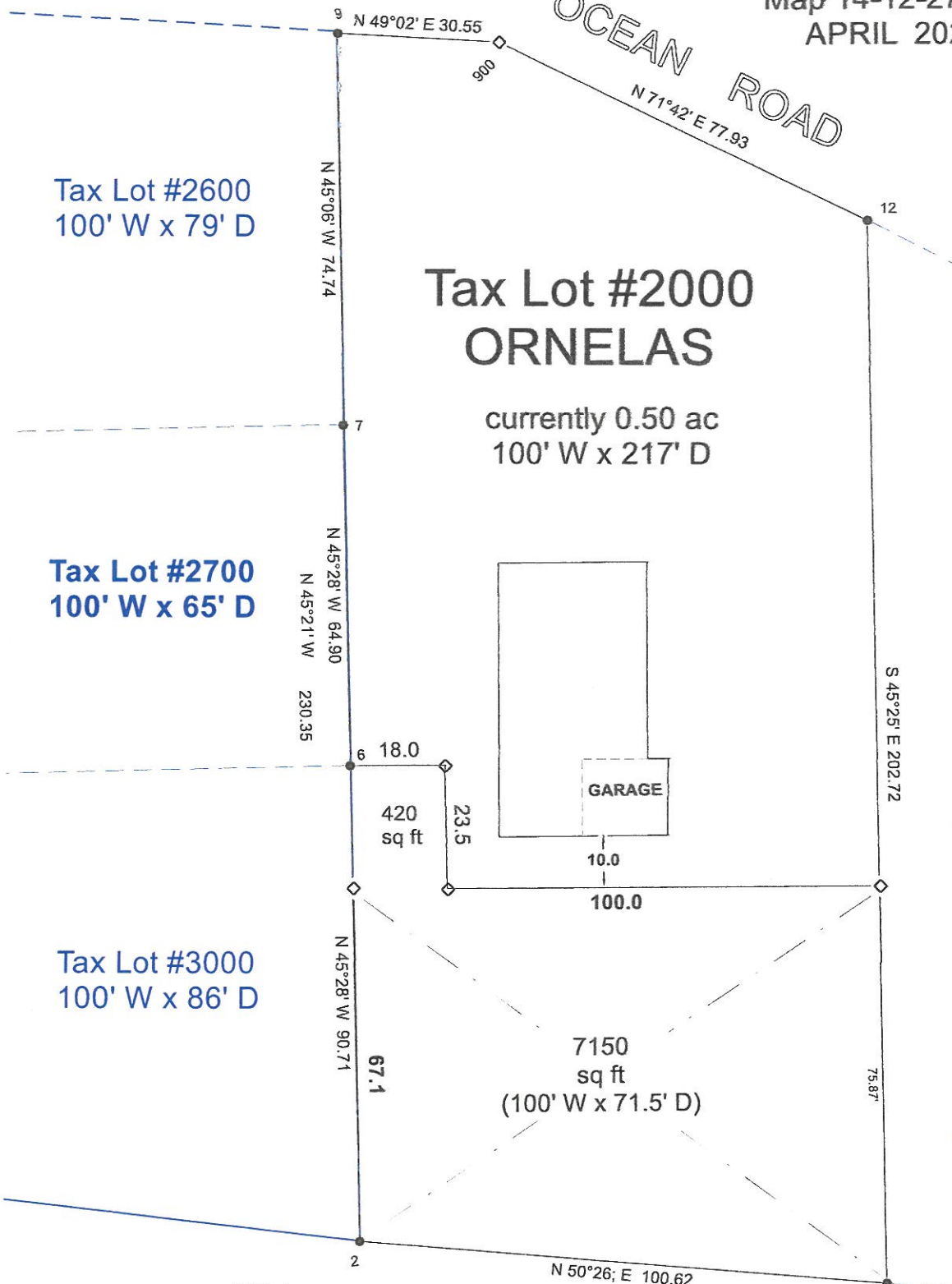
7150  
sq ft  
(100' W x 71.5' D)

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 16, 1962  
STEPHEN LOY SWINEHART  
2013

RENEWAL DATE : 6/30/26  
prepared by ;  
SWINEHART LAND SURVEYING  
51 PIONEER TRAIL  
TOLEDO, OREGON  
541-961-4374

SHELL STREET (30')



## VARIANCE REQUEST NARRATIVE

Tax Lot #2000 Map: 14-12-27 DD

Reference: 198 Yachats Ocean Road

Prepared for Michael Ornelas  
by Stephen L. Swinehart PLS  
Swinehart Land Surveying

This variance request is for a modification of the definitions contained in the Yachats Municipal Code Chapter 9.04.030 by exchanging the words "width" and "depth". The request is to exchange the orientation of those two words.

Tax Lot #2000 is ½ acre in size (nominally 100 ft x 217 ft) with frontage on two public right of ways, Yachats Ocean Road and Shell Street. There is an existing one story 1274 sq ft single family residence with a 238 sq ft single car garage. The existing residence is the home of Holly Ornelas, Michael Ornelas's mother. The lot is currently served with city water and sewer, and the standard public utilities.

The variance request, if approved, will allow for the property to be partitioned, and a second single family residence for Michael and his family to be built with frontage onto Shell Street. Because of the uncertainty of a partition approval, there are no specific plans drawn up for the future second home at this time, but it will likely be ±1900-2000 sq ft with a two car garage. The decision to be a single story or a two story home has not been made, but the maximum 30% lot coverage requirement suggests a two story or split level design.

Tax Lot #2000 was apparently originally surveyed in the 1930's or 1940's as a part of an unrecorded subdivision to be known as Carolyn Beach, as shown on County Survey #1508 by D.B. Ambler. Over the years nearly all of the original Carolyn Beach lots in the vicinity have been subdivided into smaller lots, with the exception of Tax Lot #2000, the neighboring Tax Lot #1900, and Tax Lot 1800 across Shell Street.

Looking at the other 19 Carolyn Beach lots of north of the Yachats Inn, four of the original lots are now the 30 lot Kohooregon planned unit development. The remaining fifteen lots from Carolyn Beach have become 38 R-1 lots in the Schmunk's and Mindy Additions, and partitioned by deeds. Of those 38 R-1 lots, 11 do not appear to meet the current width and/or depth requirement of the Yachats Municipal Code. This is not to suggest that those properties did not meet the standards at the time they were developed, nor is it to suggest that it is only fair to allow Ornelas the requested modification. It is to point out that the variance in the orientation of the lot dimensions requested will not be unusual for this neighborhood. In fact, Tax Lot #2700 that adjoins the southerly line of T.L.#2000 is nominally 65 ft x 100 ft, and oriented similar to the requested variance for the Ornelas property. Additionally, T.L. 2800, that neighbors T.L #2700, is of similar size and orientation.

By the current definition in the Yachats Municipal Code at Section 9.04.030 and 9.04.040 :

the "Front lot line" is the lot line on the street; the "Rear lot line" is opposite the front line.

the "Lot width" is the average distance between the side lot lines; the minimum "Lot width" (measured at the front building line) **is 60 feet.**

the "Lot depth" is the average distance between the front and rear lot line; the minimum "Lot depth" is **80 feet.**

The minimum area of the lot shall be 7,500 sq ft.

The minimum front yard shall be 20 feet.

The minimum rear yard shall be 10 feet.

The minimum side yard shall be 5 feet (or one foot for each three feet of building height, whichever is greater).

The initial proposal for this partition had the new division line at a 10 foot offset parallel to the existing residence. This resulted in a width of 100 feet and an average depth of 71½ feet and 350 sq ft under the require minimum of 7500 sq ft. If a variance is granted to exchange the words width and depth, the minimum requirements for width and depth will be met. The additional area requirement can be met by adding a 17½ ft x 20 ft 'appendix' to one side or the other, provided it does not interfere with the existing residence's use of the area. I have drawn an 18 ft x 23.5 ft 'appendix' (as an example) on the preliminary proposal sketch.

If granted, this variance request will allow for one additional modest home to be built adjacent to a family member's existing residence.

---

Stephen L. Swinehart PLS  
Swinehart Land Surveying



Michael Ornelas  
Owner

LINCOLNPROD PROPERTY RECORD CARD

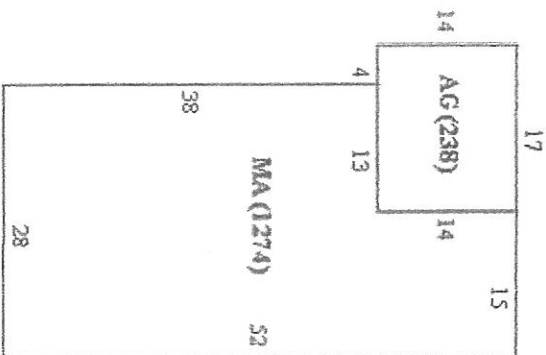
Property ID: R382482

Site: 198 YACHTS OCEAN RD

Map and Taxlot: 14-12-27-DD-02000-00

Tax Year: 2025

Run Date: 4/29/2025 11:50:30 AM



SKETCH VECTORS: A100CR13U14R15D52L28U38,A101CR13U14L17D14R4  
SKETCH COMMENTS:

City of Yachats  
441 Hwy 101 N  
PO Box 345  
Yachats Oregon 97498  
541-547-3565  
www.yachatsoregon.org

Receipt #: 00066638  
Date: 04/30/2025

Account#: 000000  
Account Name: Yachats Ocean Dr -198 -Ornelas  
Service Address:

CHARGES:

|                         |        |
|-------------------------|--------|
| Permits and Filing Fees | 250.00 |
| CHK 5006                | 250.00 |

ACCOUNT BALANCE:  
\$0.00

If you would like to pay your utility bill using Quick Pay with  
Credit Card or Checking Account, please go to:  
<https://yachatsor.merchanttransact.com/>.  
You will need your account Number and House Number.

Thank you for your payment!

**BEFORE THE YACHATS PLANNING COMMISSION**

In the matter of  
the application for  
Michael Ornelas

) Lot Depth Variance  
) #2-VAR-PC-25  
)

**ORDER OF APPROVAL**

**I. NATURE OF APPLICATION**

The applicant is requesting approval for a variance to the minimum lot depth requirement to create a new parcel in the R-1 Zone.

**II. PUBLIC HEARING**

A public hearing was held on the application before the Yachats Planning Commission on June 17, 2025. At that hearing the Planning Commission reviewed the application and accompanying plans and they were made part of the record.

**III. FINDINGS OF FACT**

**A. GENERAL FACTS**

1. The owner of the property is Michael Ornelas.
2. The applicant is the owner.
3. The property can be described as tax lot 2000, on Map 14-12-27-DD of the Lincoln County Assessors Maps.
4. The property is zoned Residential R-1.
5. The property is addressed as 198 Yachats Ocean Rd.
6. The property is a double frontage lot with 100.53 feet of frontage on Shell St and 106.5 feet of frontage on Yachats Ocean Rd. The lot depth is 216.5 feet. The parcel is 0.50 acres in area.
7. The adjacent property to the northeast is zoned R-1, is 0.39 acres in size with 100 feet of lot width, and is developed with a single family dwelling. The property to the southeast, across Shell St, is zoned R-1, is approximately 7,520 square feet in area with 80 feet of lot width, and is vacant. The three properties to the southwest are zoned R-1, range in size from about 6,500 square feet to to about 7,650 square feet, and two are vacant and one is developed with a single family dwelling. The property to the northwest, across Yachats Ocean Rd, is zoned State Parks (S-P) and is part of the Yachats Ocean Road State Natural Site.

**B. EXISTING CONDITIONS**

The property is developed with a single family dwelling, with a driveway accessing Yachats Ocean Rd.

### C. PROPOSAL

The applicant intends to partition the property but has not yet submitted an application for land division. The proposed preliminary sketch of the proposed partitioning shows the creation of two parcels, one with frontage on Shell St, and one with the existing single family dwelling with frontage on Yachats Ocean Rd.. The proposed vacant parcel would have an area of 7,570 square feet, 100.62 feet of frontage on Shell St and a lot depth of 75.2 feet.

### D. PUBLIC COMMENTS

The surrounding property owners were notified of the public hearing and the application by mail on May 27, 2025. No comments were received from neighboring property owners prior to the public hearing.

### E. ANALYSIS

YMC Sect. 9.12.040.A.5 requires a minimum lot depth of 80 feet in the R-1 zone. Section 9.04.030 defines "lot depth" as the average horizontal distance between the front lot line and the rear lot line. The proposed parcel is irregular in shape. However, the parcel area is proposed to be 7,570 square feet and the lot width is 100.62 feet. Dividing 7,570 by 100.62 produces a lot depth of 75.2 feet.

### F. APPROVAL CRITERIA

YMC Sect 9.80.020 establishes five criteria 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;

Finding: The application states that the tax lot was apparently created in the 1930s or 1940s as part of an unplatted subdivision. It is one of only three lots of original size that hasn't since been divided or platted.

- 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;

Finding: Almost all of the original lots in this area have been divided. Approval of the variance request would allow this lot to also be divided.

- 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;

Finding: The surrounding area is substantially divided into the lots smaller than the current lot. There are no policies within the Yachats Comprehensive plan addressing lot dimensions.

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

Finding: The proposed parcel boundaries create the smallest parcel possible that would meet the minimum lot area standard, have the existing single family dwelling meet the setback requirements, and most closely meet the minimum lot depth requirement.

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

Finding: There is no evidence of a current violation of the Code.

#### **IV. CONCLUSION**

Based on the facts above, the Planning Commission concludes that criteria for approval have been met.

#### **V. ORDER**

Based on the conclusion above, the Planning Commission approves the application for a variance for the lot depth for the proposed partitioning of the property at 198 Yachats Ocean Rd.

#### **VI. OTHER PERMITS AND RESTRICTIONS**

The applicant is herein advised that the use of the property involved in this application may require additional permits from the City or other local, State or Federal agencies.

This review and approval process does not take the place of or relieve the Applicant of responsibility for acquiring such other permits, or satisfy any restrictions or conditions thereon. The land use permit approval herein does not remove, alter, or impair in any way the covenants or restrictions imposed on this property by deed or other instrument.

#### **VII. EFFECTIVE DATE**

This decision regarding this application is final but shall not become effective until the 15th day after the execution of this order, and then only if no appeal to the Yachats City Council is timely filed. In the event of a timely appeal to the City Council, this decision shall not become effective until the appeal is finally resolved, including any appeals from the decision of the City Council to the Oregon Land Use Board of Appeals.

Subject to the Effective Date of this decision set forth herein, the land use approval granted by this decision shall be effective only when the exercise of the rights granted herein commences within 1 year of the effective date of this decision. As such, the applicant must submit an application to the City of Yachats for approval of a two-parcel partitioning no later than July 2, 2026. In case such rights have not been exercised or

extension obtained, this approval shall expire. A written request for an extension of time may be filed with the Planning Department at least 30 days prior to the expiration date of the approval.

**VIII. APPEAL DATES**

The Planning Commission’s action may be appealed to the Yachats City Council pursuant to YMC Sect. 9.88.120 Appeals.

\_\_\_\_\_  
Marc Sakamoto,  
Planning Commission Chairperson

\_\_\_\_\_  
Date

DRAFT

Parties participating in the hearing:

none

DRAFT

PACIFIC OCEAN

State Park



C.S. #1/038  
 PLAT OF  
 CAROLYN BEACH  
 UNRECORDED  
 In Sections 26, 27, & 34, T.14S., R.12W., N.W.  
 Scale: 1"=100'  
 D. E. Mueller, Registered Engineer



2'0.6'

N. 1st St.



**CITY OF YACHATS  
PLANNING WORK SESSION & REGULAR  
COMMISSION**

**MEETING SUMMARY MINUTES  
City Hall, 441 Hwy 101 N, OR 97498  
Tuesday, May 20, 2025**

**WORK SESSION**

- 1. Planning Work Session Commission Meeting 2:00 pm**
- 2. Call to Order**
- 3. Roll Call**

| <b>Committee Members</b> | <b>P/A</b> |
|--------------------------|------------|
| Marc Sakamoto, Chair     | <b>P</b>   |
| Craig Hogan              | <b>P</b>   |
| Loren Dickinson          | <b>A</b>   |
| Mary Aebi, Vice Chair    | <b>P</b>   |
| Jolene Gosselin          | <b>A</b>   |
|                          |            |

| <b>Staff Members</b>           |  |
|--------------------------------|--|
| Bobbi Price, City Manager      | Kimmie Jackson, City Recorder            |
| Dan Fleishman, OCWCOG, Planner | Neal Morphis, Planner Asst. (City Clerk) |
|                                |  |

| <b>Audience</b> |
|-----------------|
| 14              |

**II. [Cascadia Meeting Update](#)**

In the meeting with the Cascadia Advisory Committee, Mary Aebi discussed compliance issues stemming from a recent code audit. The

committee found residential homes to be compliant, but identified partial compliance as needed for manufactured homes and subdivisions. Significant revisions were suggested for occupancy limits and regulations regarding affordable housing on commercial land. The commission's priorities included addressing middle housing, accessory dwelling units (ADUs), reforming residential regulations, and increasing affordable housing in Yachats.

Discussion continued on the terms "family" and "household" as they relate to the city code, particularly in the context of single room occupancy (SRO) regulations. The term "family" has been identified as having an ambiguous connotation within the current code. This ambiguity may affect housing and occupancy regulations, particularly for manufactured homes and recreational vehicles.

Additionally, the need for revisions or the creation of new codes regarding single-room occupancy was highlighted, including exploring how these definitions and regulations could be clarified and adjusted to ensure compliance and facilitate the development of affordable housing options.

### **Adjourned Planning Commission Work Session 3:00 pm**

#### **REGULAR MEETING**

##### **I. Meeting Called to Order**

##### **II. Announcements and Correspondence**

- a. Jolene Gosselin has joined the meeting via Zoom.

##### **III. Citizens' Concerns (limited to items not on the agenda and 5 minutes per person) None.**

##### **IV. Public Hearing**

- a. [2-CUP-25\\_Taylor](#) -The Planning Commission held a public hearing to consider a request for reducing side yard setbacks in the C-1 district. Dan Fleishman, planner, clarified that this was not a conditional use application.

The applicants proposed building a 1,928-square-foot home in a commercial zone, seeking a reduction in side yard setbacks. They argued that their design would support medium-density housing goals and maintain the neighborhood’s character. Support from neighboring property owners was noted. During the meeting, the commission approved the setback reduction application and discussed the need for clear criteria in future requests. The Planner suggested that decisions should be made by staff if the requirements are precise, rather than by the commission, and recommended against using neighbor objections as a criterion. The commission agreed to explore establishing specific guidelines for setback reductions.

|                |  |            |                         |                  |
|----------------|--|------------|-------------------------|------------------|
| <b>Motion:</b> | The Motion was made to approve the application and direct staff to revise further the order of approval to reflect the testimony received during the public hearing. |            |                         |                  |
| <b>Ayes:</b>   | Hogan, Aebi, Gosselin, and Sakamoto  | Nays:<br>0 | Absent:<br>1 -Dickinson | Abstained<br>: 0 |
| <b>Passed:</b> | 4/0  |            |                         |                  |

V. [Additional topics](#) were covered, including invasive plants and the need for Parks and Commons to develop an ordinance, which will then be passed to the planning commission. The City currently has a section in the municipal code addressing noxious and invasive vegetation, and the Planning Commission is reviewing and clarifying this code.

Jolene Gosselin mentioned her appointment to the Lincoln County Habitat for Humanity Board.

**Adjourn City Council Meeting 3:54 pm**  
**Minutes prepared by Kimmie Jackson, Recorder**

PLANNING COMMISSION ISSUES LIST as of 06/17/25

| Item # | Description                                   | Assigned | Due Date | Status  |
|--------|---|----------|----------|---|
| 1      | Schedule next training session                | KG       |          | 01/21/25: Completed training with Hui. Do we need another to elaborate on topics discussed? 12/17: KG to meet with Hui R. about training on commission roles, staff relations, meeting practices. 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       |          | <b>05/20: Per BP should be completed in 30 days.</b> 03/18: KG has received questions from DSL regarding inventory. 11/19: BP and KG met with DSL week of 11/11. No additional info required. No completion date given. 10/28: BP and KG met with DSL and Pacific Habitat to answer questions about inventory. All questions answered. 10/08: State Lands reviewing some minor discrepancies. 09/16: City Mgr. has contact in state govt and is escalating. 08/19: Mayor using state contact to escalate. 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.   |
| 5      | Amend Title 9 for Housing Implementation Plan |          |          | <b>Cascadia Partners.</b> 02/18/25: Contact changed at Cascadia. KG to forward questions to new contact. 01/02/25: KG to reach out to Rachel at Cascadia with final version. 12/27: Draft questions forwarded to Yachats PM for review. 12/10: Creating questions for CP to review. 11/18: Had kickoff meeting. See meeting minutes. 10/15: Selected MS and MA for PMT. City conducting workforce housing survey. Will provide results. 10/08: Reviewed Statement of Work. Discussed various aspects of how project will proceed. Will discuss members of PMT at next meeting. 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 DLCDC 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   |    | 11/18: Identified Goal G as one to focus on. Cascadia Partners offered assistance of their urban planner. Developing questions to ask them. Located proposed updates in Housing Plan appendix. 10/08: Identified Goals that may need updating. 09/17: Will start review of plan with next work session. 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 | <b>05/20: Fees update completed. PC to review.</b> 10/28: Review completed. to present new fees to City Council in Nov. 10/08: City Mgr reports continued progress on review. 09/17: City Mgr review almost complete. 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                     |    | <b>Cascadia Partners.</b> 11/18: Discussed with Cascadia Partners in kickoff meeting. They will emphasize this in their updates to regs. 09/17: Discussed definition of ADU. Will defer until Cascadia Partners. 08/20: Have agreement with most major policy decisions. Will continue at next meeting. 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.  |

|    |  |    |  |  |
|----|--|----|--|--|
| 12 | Content for city social media                |    |  | <b>05/20: MA to work with MS on topics.</b> 03/17 Content on ADU submitted to BP. 01/14/25: Content reviewed by commission and submitted to BP for 02/25 newsletter. 12/10: Needs content to create article. MS to provide. 10/22: Sent email to TD asking if interested in writing for e-newsletter. 10/08: Need to identify resource on commission to provide content. |
| 13 | Include updates to Title 9 in city document  |    |  | <b>05/20 Final still not included in Municipal Code.</b> 11/19: Followup to make sure that changes approved by City Council are added in writing to Title 9.   |
| 14 | Create Folder for Cascadia Partners Document | KG |  | <b>CLOSED.</b> 12/10: KG to talk to Neal about organization of documents. 11/19: KG to create folder on website to store all documents.  |
| 15 | Update mobile home regulations               |    |  | <b>Cascadia Partners.</b> 03/26: To be included in code updates by Cascadia. 12/10: Needs review to update to current state law.   |
| 16 | Define SRO                                   | DF |  |  |
| 17 | Update Setback code                          |    |  |  |
| 18 | Define Family Unit                           |    |  |  |
|    |  |    |  |  |

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? <b>With no expressed need to expand, decided not to pursue. CLOSED</b>  |
| 10 | Credit at COG  |  |    | <b>05/14: With state funding for HIP and money in budget from planning consultation, will not need COG. CLOSED.</b> 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.  |
| 3  | Continue Implementation of Yachats Parking Mgmt Plan |  | LD | <b>10/08: Public Works reports that all projects in plan that can be completed have been completed. Closed.</b> 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   |  |    | <b>11/20: Approved unanimously by City Council. Closed.</b> 10/26: 1st public hearing with City Council held. No major issues. Second public hearing in Nov. 10/08: On schedule to present at next City Council meeting on 10/23. 09/12: Update from KG that with delay of review by DLCD and internal issues may not make City Council agenda until Nov. 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. |