

1. Agenda

Documents:

[07-18-17_PC_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[06-20-17PLANNING_COMMISSION_REGULAR.PDF](#)
[2017_LAND_USE-_BUILDING_PERMIT_ACTIVITY_07-06-17.PDF](#)
[YACHATS_COMPREHENSIVE_PLAN_-_GOAL_C_07-06-17.PDF](#)
[STAFF_REPORT_MCCALL_VARIANCE_06-13-17.PDF](#)
[06-20-17_PLANNING_COMMISSION_WORK_SESSION.PDF](#)

3. Work Session Minutes

Documents:

[2017-07-18 PLANNING WS MINUTES.PDF](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

Tuesday, July 18, 2017: 2 pm Work Session; 3 pm Regular Meeting

WORK SESSION AGENDA

- A. Yachats Comprehensive Plan – Goal C. Protection of Shoreland Resources
- B. Yachats Comprehensive Plan – Goal D. Conservation of Energy

REGULAR MEETING AGENDA

- I. Announcements and Correspondence
- II. Minutes
 - A. Regular Meeting and Work Session – June 20, 2017
- III. Citizen's Concerns
- IV. Public Hearing
 - A. Case File #1-VAR-PC-17 McCall Variance Application
 - B. Title 9 Zoning & Land Use Code Amendment – Section 9.52.170 General Exceptions to Building Height Limitations (continued)
- V. Planner's Report
- VI. Other Business
 - A. From the Commission
 - B. From Staff

Commission meets the third Tuesday of each month.

Next scheduled meeting: August 15, 2017 at 2:00pm and 3:00pm.

This meeting is open to the public and all interested persons are invited to attend. 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. Minutes of all public meetings are available for review at City Hall, or on the City website at www.yachatsoregon.org.

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. The meeting room is physically accessible to persons with mobility devices; 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).

Posted: July 11, 2017



YACHATS PLANNING COMMISSION

June 20, 2017

Regular Meeting Minutes

Chair Helen Anderson called the May 20, 2017 regular meeting of the Yachats Planning Commission to order at 3:02 pm in Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, James Kerti, Christine Orchard, JD Deriberprey, Ginny Hafner. Absent: Shelly Shrock. Audience: 10.

I. Announcements and Correspondence - none

II. Minutes

A. Regular Meeting and Work Session of May 16, 2017

Commissioner Hafner asked that Line 16 on Page 1 of the Work Session minutes be struck. Commissioner Urban moved to approve the May 16, 2017 work session minutes of the Planning Commission as amended: Aye - 5; No - 0; Abstain - 1 (Commissioner Orchard, not present at meeting). Commissioner Deriberprey not in the room at time of vote.

Hafner moved to approve the May 16, 2017 regular meeting minutes of the Planning Commission: Aye - 5; No - 0; Abstain - 1 (Orchard, not present at meeting). Deriberprey not in the room at time of vote.

III. Citizen's Concerns - none

An audience member wanted to express concern about the Library potentially moving to the 501 Building. Anderson instructed suggested they send an email to the City Manager and/or speak at the City Council meeting. Deriberprey asked if their question was about a building code issue. The audience member asked about tearing down the library building as she has heard it from a public works staff person.

IV. Public Meeting

A. Request for Final Approval of Case File #1-THPUD-PC-16 Townhouse Planned Unit Development - Betty Trotter Koehler

Anderson explained the Planning Commission had previously held a public hearing on this application and had stipulated several conditions during that hearing. Anderson noted Planner Lewis had included in the meeting packet a description of the conditions requested and a statement on how those conditions were met by Koehler. Urban noted he was absent at the Hearing. Hafner and Commissioner Kerti noted they were not on the Commission at the time of the Hearing.

Orchard moved to give final approval for the request for #1-THPUD-PC-16 Townhouse Planned Unit Development (Betty Trotter Koehler): Aye - 6; No - 0.

V. Public Hearing

A. Title 9 Zoning & Land Use Code Amendment - Section 9.52.050 Hazard Areas

Anderson noted this is an administrative Public Hearing which does not need to follow the formal script. Anderson asked if any Commissioner's had any ex parte contact to report. Anderson summarized the language changes and asked the audience if they had any comments.

Urban moved to approve and forward to the City Council the amended Title 9 Zoning & Land Use Code Section 9.52.050 Hazard Areas: Aye - 6; No - 0.

**B. Title 9 Zoning & Land Use Code Amendment – Section 9.52.170 General
Exceptions to Building Height Limitations**

Anderson opened the public comment section of the hearing.

Anderson noted there were two letters in the meeting packet addresses this topic and asked one of the authors if he wanted to make additional comments.

Drew Roslund (Overleaf Lodge) reported building code required that there be space at the top of an elevator shaft to accommodate a person standing on top of the elevator car. This extra space necessitated that the roof of the Overleaf exceed the 30 ft height restriction. Roslund explained their architect had designed a peaked roof line to minimize the appearance of the additional height. Roslund expressed that, given the subjective nature of variance proceedings, the Overleaf may not have been able to meet the code requirement for the elevator shaft under this new code language. Roslund asked why the Commission decided to review this portion of the code. Anderson indicated the issue arose over a large chimney on Windy Way and over no exception needing to be obtained for the building of the south water tower. Orchard asked if the non-elevator shaft peaks are under the 30 ft building height. Roslund said they were above 30 ft. Orchard asked what Roslund would suggest in terms of code restrictions. Roslund was not certain but indicated the Overleaf might expand in the future and would want to retain its architectural design. Deriberprey indicated his concern with exceeding the height restrictions was over safety and proper stabilization. Anderson asked Roslund if he would be satisfied if the Commission were to make an exception for elevator shafts. Orchard noted the second letter had mentioned concerns about exceptions for elevators. Roslund suggested an exception could be made on the basis of what is required by building codes.

Larry Lacey (1173 Oceanview Dr) indicated he has a weather station on a pole that is 15 ft above the peak of the roof as is required for official reporting sites. The station is part of a citizen's observatory program. Lacey distributed photographs of his station and how his station appears online and summarized the information his station records. Lacey was concerned he would have to lower his station height and thus be removed from the reporting program. Orchard clarified his existing station would not be affected by any new requirements, but if he wanted to install a new station at a different location, he would need a variance from the Commission. Lacey wanted clarification that he did not have to do anything in response to this new code. Commissioners indicated he would not have to change his station.

Anderson closed the public input portion of the hearing.

Urban asked if the Commission could add a statement in the code that would encourage citizens to apply for variances as the Commission wants to be reasonable with granting exceptions. Deriberprey was supportive the idea of making an exception for height extensions when required by building codes. Anderson was not in favor of a blanket exception for elevator or building code requirements on roof heights. Kerti was in favor of including language that is more positive and open to making reasonable exceptions. Orchard suggested to either remove elevator shafts from the exceptions list or to give elevator shafts a sole exemption.

Commissioners discussed possible language for exempting elevator shaft housings and concluded they would like input from Planner Lewis before making a final determination.

Hafner moved to continue the hearing to July 18, 2017: Aye 6; No – 0.

Anderson closed the hearing on Title 9 Zoning & Land Use Code Amendment – Section 9.52.170 General Exceptions to Building Height Limitations.

1
2 **VI. Planner's Report** – delayed until next meeting
3

4 **VII. Other Business**

5 **A. From the Commission**

6 Anderson noted she had tried to incorporate all Commissioner's comments into the memo to the
7 City Council on tiny houses.

8
9 Deriberprey reported he gets a lot of people commenting on city business at his store.

10
11 **B. From Staff** - none
12

13 With no further business before the Commission, Anderson adjourned the meeting at 3:52 pm.
14
15
16
17
18

19 _____
Helen Anderson, Chair

Date

20
21 Minutes prepared by H H Anderson on June 25, 2017

City of Yachats **2017 LAND USE / BUILDING PERMIT ACTIVITY**

For the Period June 14, 2017 through July 6, 2017

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
6/22/17	Building Permit	Linn West	14-12-26BB/900 King Street	R-1	New single family dwelling	Approved 6/27/17

July 6, 2017

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Yachats Comprehensive Plan – Goal C Protection of Shoreland Resources

The Planning Commission reviewed Comprehensive Plan Goal C. Protection of Shoreland Resources at the June 20, 2017 work session. The Commission discussed the purpose and intent of the Comprehensive Plan versus the Zoning & Land Use Code. It was noted that the Comprehensive Plan Goals and Policies are overriding policies and the Zoning & Land Use Code is the appropriate document to implement the policies and to provide specificity.

The Commission agreed that Policies 3 and 4 should be changed to statements about protection of the resources. The existing policies are stated in *italics* below and followed by draft revised policy statements.

[Existing] Policy 3.

In the Shorelands along the river, a 50-foot buffer strip, measured horizontally from the edge of the bank shall be maintained. In the first 30 feet, the existing riparian vegetation shall not be removed. In the latter 20 feet, slight vegetative alteration will be allowed as long as the overstory is retained. Minor access paths leading to (but not parallel to) the river shall be allowed as long as the overstory is not disturbed. Noxious weeds and invasive plants shall be exempt from this restriction.

[Draft Revised] Policy 3.

In order to recognize, protect, and maintain the value of the Yachats River, a buffer shall be provided from the edge of the bank. The buffer will contribute to maintenance and enhancement of water quality, fish and wildlife habitat, recreation and aesthetics, and provide open space. The buffer will also help protect property from flooding and help manage stormwater drainage.

[Existing] Policy 4.

On shorelands along the ocean, a 25-foot buffer strip from the top of the bank shall exist wherein existing stabilizing vegetation shall not be removed.

[Draft Revised] Policy 4.

In order to recognize, protect, and maintain the value of the ocean, a buffer shall be provided from the top of the bank. Existing stabilizing native vegetation shall not be removed within the buffer in order to help stabilize the bluff and mitigate erosion. The buffer will also help protect adjacent property from flooding and erosion.

The Planning Commission discussed Policy 5 regarding structural stabilization methods along shorelines. The existing policy state priorities for shoreline stabilization for erosion control. There was discussion whether the policy is too specific. It was noted that Policy 5 is

the same as the Zoning & Land Use Code Section 9.52.090. Existing Policy 5 is stated below.

[Existing] Policy 5.

Land use management practices (such as setbacks and maintenance of riparian vegetation) and non-structural alternatives shall be preferred methods of shoreline stabilization. Structural stabilization methods (such as riprap and bulkheads) shall be allowed when necessary for the protection of existing land uses and resources, and when designed to minimize adverse water quality, habitat and environmental impacts. Where riprap, bulkheads or seawalls are proposed as shoreline protective measures, evidence shall be provided that higher priority methods of erosion control will not work. The priorities for shoreline stabilization for erosion control are (from highest to lowest):

- a. Proper maintenance of existing riparian vegetation*
- b. Planting of riparian vegetation*
- c. Vegetated riprap*
- d. Non-vegetated riprap*
- e. Bulkhead or seawall*

STAFF REPORT

Variance Application

APPLICANT: Meredith & Jerry McCall

AGENT: David Chamberlin

A. REPORT OF FACTS

1. Property Location: The subject site is located at 270 W. 1st Street, and described on the Lincoln County Assessor's Map as 14-12-27DA, Tax Lot 11907.
2. Applicant's Request: The applicant is requesting a variance to the maximum allowed lot coverage. The maximum allowed lot coverage in the R-1 zone is 30%. The applicant requests to replace an existing single family dwelling with a new single family dwelling. The existing lot coverage is 36.7%. The proposed lot coverage is 37.1%.
3. Zoning: Residential Zone R-1
2. Plan Designation: Residential
3. Lot Size and Configuration: The lot totals approximately 4,346 square feet with approximate dimensions of 87 x 50 feet.
4. Existing Structures: One single family dwelling.
5. Topography and Vegetation: The lot has a gentle slope with grass and some perimeter shrubs.
6. Surrounding Land Use: Surrounding land uses primarily consists of single family residential dwellings. The Yachats River/Bay is located across Ocean View Drive to the south.
7. Utilities: Existing utilities include city water and sanitary sewer services.
8. Development Constraints: None identified.

B. EVALUATION OF REQUEST

1. Yachats Zoning & Land Use Code Relevant Criteria:
 - a. **Chapter 9.12 R-1 Residential Zone** (Criteria relevant to this application)

Section 9.12.020 Permitted uses.

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 per tax lot.

Section 9.12.040 Standards.

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

B. Yards. The minimum yard requirements in the R-1 zone shall be as follows:

1. Front yard shall be a minimum of twenty (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 twenty (20) feet.
4. The rear yard shall be a minimum of ten 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.

C. Building Height. No building in the R-1 zone shall exceed a height of thirty (30) feet from finished grade or from natural grade, see Chapter 9.52.180.

D. Lot Coverage. Structures, including, but not limited to buildings, porches and decks shall not occupy more than thirty (30) percent of the total lot area.

E. Off-Street Parking. Refer to Chapter 9.48 – Off-Street Parking and Loading for parking requirements.

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.

b. Section 9.48 Off-Street Parking and Loading (Criteria relevant to this application)

Section 9.48.010 General Requirements

D. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling.

E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

F. Areas used for parking and maneuvering of vehicles shall have surfaces such as gravel, pavement, tile, brick or concrete material suitable for parking a vehicle, improved to minimum city road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water across public sidewalks.

L. Off-street parking space requirements:

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

One-family dwelling, two spaces;

c. Section 9.52.160 General Exceptions of yard requirements.

- A. The required front or rear yard for a dwelling need not exceed the existing or probable average depth of the nearest front or rear yards of dwellings on all lots within one hundred (100) feet on both sides of the proposed dwellings.

d. Chapter 9.80 Variances (Criteria relevant to this application)

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 9.80.040 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.

2. **Applicant's Proposal:** The applicant submitted the variance application form and fee; a narrative describing the request and addressing the Circumstances for Granting a Variance; a scaled site drawing showing existing lot coverage and new proposed lot coverage and; an aerial photograph with property lines showing lot coverages on lots in the same block as the McCall property.
3. **Public Testimony Received:** As of the time this staff report was written the City had not received any written testimony.

C. STAFF ANALYSIS

1. **The Request.** The applicant is requesting a variance to the maximum allowed lot coverage. The maximum allowed lot coverage in the R-1 zone is 30%. The applicant requests to

replace an existing single family dwelling with a new single family dwelling. The existing lot coverage is 36.7%. The proposed lot coverage is 37.1%.

The applicant's agent provided the following description:

The owners, who have owned the property and existing home for 22 years, wish to replace their old home and deck with a new home and deck to take full advantage of their recent retirement. The footprint (lot coverage) of the new proposed home and deck will be virtually the same as their existing home and deck, approximately a 0.7% increase, still well below the average of their neighbors.

REQUEST FOR VARIANCE McCall Exhibit One

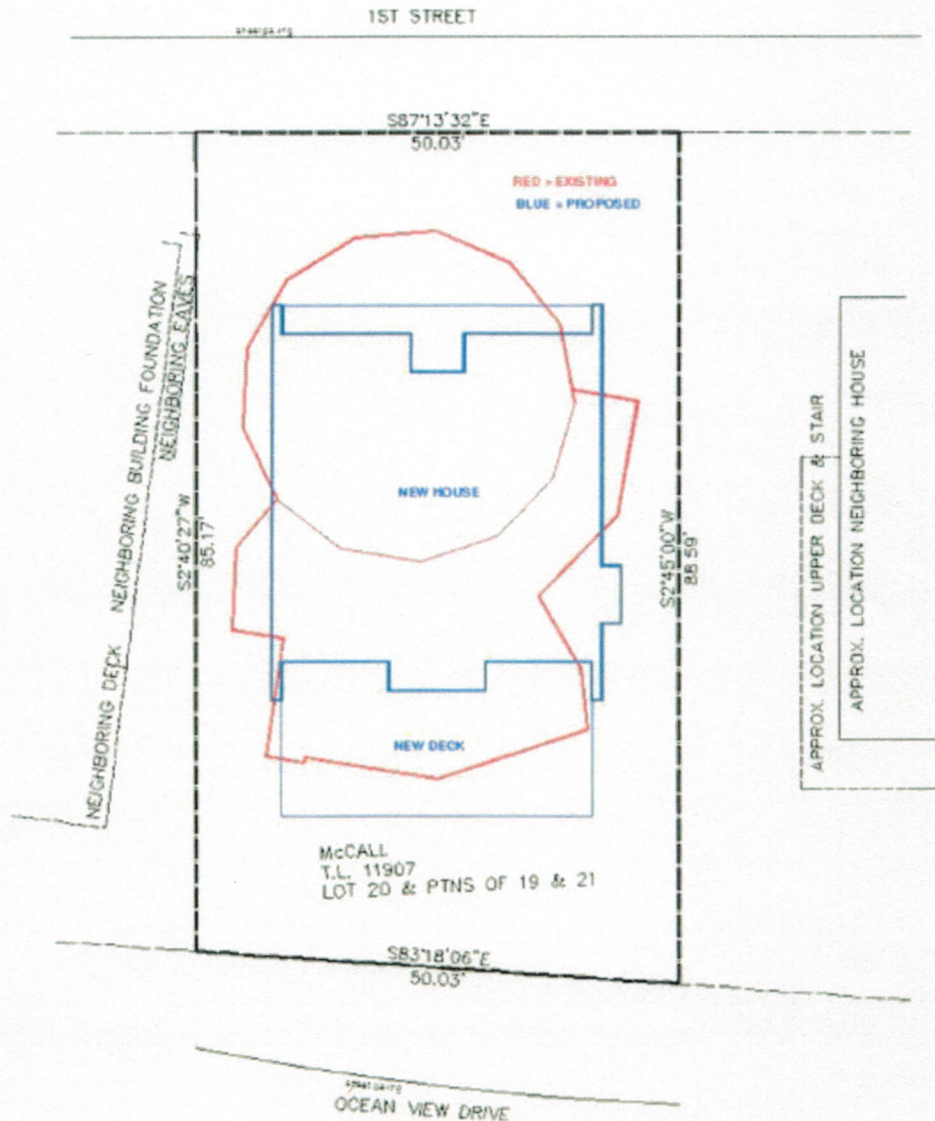
Scaled site drawing showing existing lot coverage and new proposed lot coverage.

Red outline shows existing lot coverage as established by survey.

Blue outline is proposed new lot coverage.

Proposed (blue) shows improved side and First St. parking setbacks.

Difference in lot coverage is approximately 0.7%..... from 36.7% to 37.1%.



The lot referenced in this Request for Variance, like all the lots in this block and neighborhood, is a non-conforming lot that *legally existed before the current ordinance was codified*.

REQUEST FOR VARIANCE McCall Exhibit Two
Lincoln County Assessor's Map (portion)

All lots in block existed before ordinance codified. All lots are non-conforming, undersized.

Using the existing McCall residence as an example of 36.7% lot coverage, and referring to this Assessor's Map, it is apparent that all same-block neighbors clearly exceed a 30% lot coverage. Some other homes in the block have added to their lot coverage since this aerial photo was taken.

Neighbors to the north, across First St., are zoned R-3 with a 40% lot coverage.

★ indicates McCall site (request for variance).



Existing structures on the McCall site include a single family residence (903.4 SF) and south-facing deck (855.6 SF) for a **total lot coverage of 1759 SF**.

Proposed replacement structures include a single family retirement residence (1178.5 SF footprint) with upper level master suite (570.9 SF), a small north facing entry deck (117.5 SF), and a low south-facing main deck (482 SF) for a **total lot coverage of 1790 SF**.

Total code height of proposed home will not exceed 24 ft. Code allows for 30 ft. heights.

3. **Circumstances for Granting a Variance.** A variance may be granted only in the event that all of the 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 the applicant's response.

- 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.*

APPLICANT RESPONSE: Because the lots are undersized, an **extraordinary circumstance** has been created in which a lot coverage of 30% is unreasonable and inconsistent with the existing neighborhood.

City staff notes that the lot is undersized. The lot totals approximately 4,346 square feet whereas the minimum lot size required in the R-1 Residential zone is 7,500 square feet. This is a nonconforming lot size that was lawfully created prior to the R-1 Residential zone regulations.

- 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.*

APPLICANT RESPONSE: A lot coverage Variance is necessary to **preserve the property rights of the applicant** that are **substantially the same as the owners of other property in the same zone and block**. Attached Exhibit Two, a printout of the Lincoln County Assessor's Map, shows that virtually all the lots in the same block and R-1 zone exceed a 30% lot coverage. Several appear to approach 70 to 80% lot coverage. Many of these homes have been built or remodeled since the ordinance was codified.

- 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.*

APPLICANT RESPONSE: Granting a 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.**

The proposed new home will meet all other current building code and zoning requirements.

The new footprint will improve side yard setbacks for separation and emergency access.

The new footprint will improve off-street parking by increasing the First St. setback.

The new house will add value and beauty to the neighborhood and increase tax revenue.

As per code, the new house will not exceed the average setbacks of neighbors within 100 feet.

New construction will not alter existing grades and vegetation.

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

APPLICANT RESPONSE: The **requested Variance is the minimum variance which would alleviate the hardship** and allow the owners to utilize the site consistent with the right and uses of their neighbors as well as their own current and future needs. The low south-facing deck will maximize ocean views both for the neighbors and for the owners while not extending any further than the neighbor's deck.

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

APPLICANT RESPONSE: *The hardship asserted as a basis for the variance does not arise from a violation of the zoning ordinance.*

4. **R-1 Residential Zone Building Setbacks and Height.** The new proposed house conforms to the minimum R-1 Residential zone building setbacks and height. Per Yachats Municipal Code (YMC) Section 9.52.160.A, the required front or rear yard for a dwelling need not exceed the existing or probable average depth of the nearest front or rear yards of dwellings on all lots within one hundred (100) feet on both sides of the proposed dwellings. The proposed deck satisfies this standard and is proposed to be setback 15 feet from the property line (south side adjacent to Ocean View Drive). The other building setbacks and building height are proposed to satisfy minimum R-1 standards.
5. **Off-Street Parking.** YMC Section 9.48.010 requires two parking spaces for a single family dwelling. Currently, the property does not provide any on-site parking. The new proposed house provides a greater setback from 1st Street which allows two head-in parking to be located on the property.

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 all R-1 standards except for the approved lot coverage variance. The new proposed house and deck shall not exceed a 37.1% lot coverage.
2. Two on-site parking spaces shall be provided.

Submitted by,

Larry Lewis
City Planner

Enclosures: Applicant's Narrative describing the request and addressing the Circumstances for Granting a Variance
Exhibit One. Scaled Site Drawing showing existing lot coverage and new proposed lot coverage;
Exhibit Two. Aerial Photograph with property lines showing lot coverages on lots in the same block as the McCall property

REQUEST FOR VARIANCE McCall

Meredith and Jerry McCall
270 First Street
Yachats, OR 97498

Taxlot: 14-12-27-DA-11907-00
Yachats 1st Addition, Block 3, Lot 20 & PTNS of 19 & 21, DOC200715870.

In Support of Lot Coverage Variance

The owners, who have owned the property and existing home for 22 years, wish to replace their old home and deck with a new home and deck to take full advantage of their recent retirement. The footprint (lot coverage) of the new proposed home and deck will be virtually the same as their existing home and deck, approximately a 0.7% increase, still well below the average of their neighbors. Attached Exhibit One shows the existing and proposed lot coverages.

The lot referenced in this Request for Variance, like all the lots in this block and neighborhood, is a non-conforming lot that ***legally existed before the current ordinance was codified.***

Because the lots are undersized, an ***extraordinary circumstance*** has been created in which a lot coverage of 30% is unreasonable and inconsistent with the existing neighborhood. A lot coverage Variance is necessary to ***preserve the property rights of the applicant*** that are ***substantially the same as the owners of other property in the same zone and block.*** Attached Exhibit Two, a printout of the Lincoln County Assessor's Map, shows that virtually all the lots in the same block and R-1 zone exceed a 30% lot coverage. Several appear to approach 70 to 80% lot coverage. Many of these homes have been built or remodeled since the ordinance was codified.

Granting a 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.***

The proposed new home will meet all other current building code and zoning requirements. The new footprint will improve side yard setbacks for separation and emergency access. The new footprint will improve off-street parking by increasing the First St. setback. The new house will add value and beauty to the neighborhood and increase tax revenue. As per code, the new house will not exceed the average setbacks of neighbors within 100 feet. New construction will not alter existing grades and vegetation.

The ***requested Variance is the minimum variance which would alleviate the hardship*** and allow the owners to utilize the site consistent with the rights and uses of their neighbors as well as their own current and future needs. The low south-facing deck will maximize ocean views both for the neighbors and for the owners while not extending any further than the neighbor's deck.

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

Attached:
Exhibit One - Sites existing and proposed lot coverage.
Exhibit Two - Lincoln County Assessor's Map (portion)

REQUEST FOR VARIANCE McCall Exhibit One

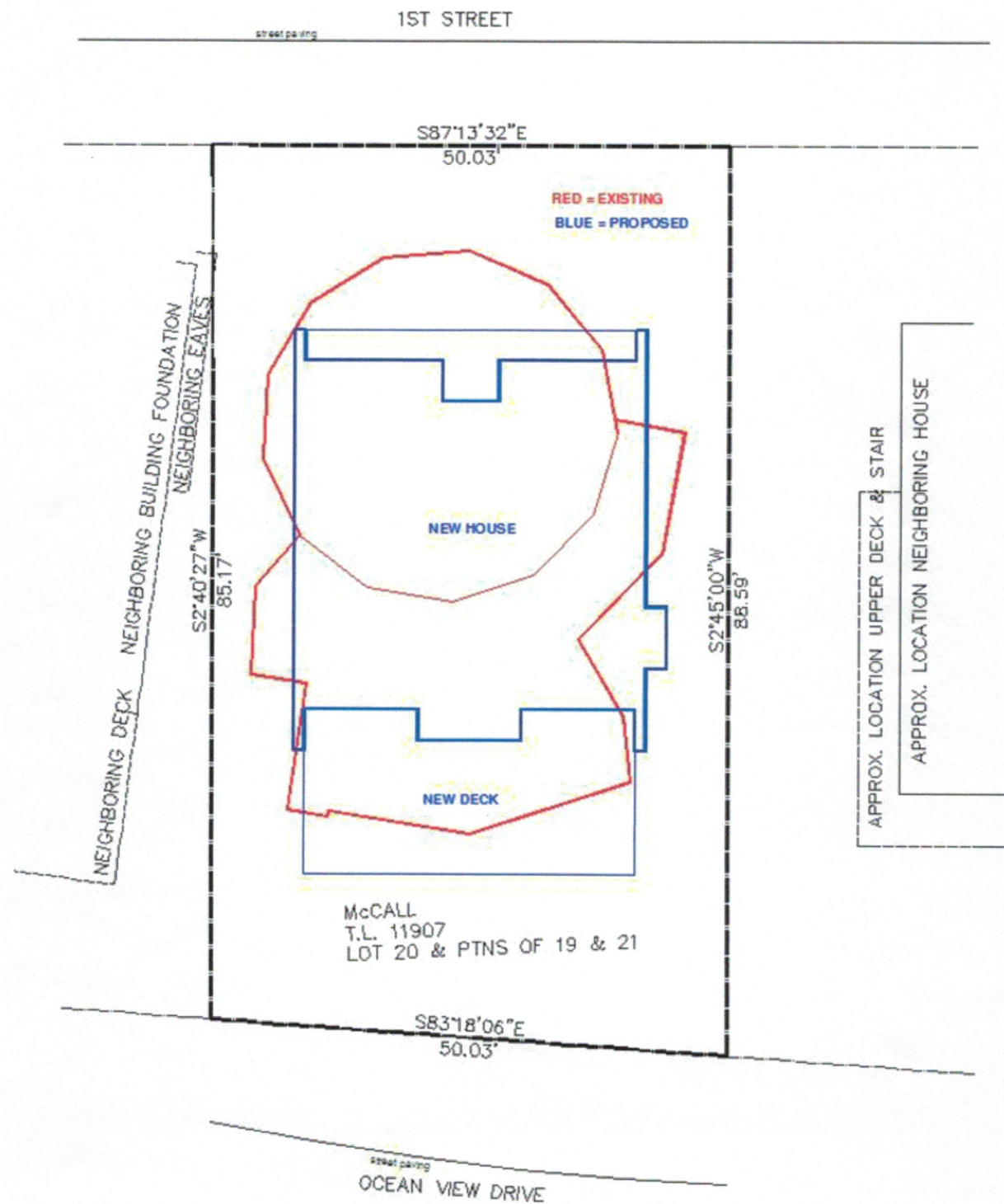
Scaled site drawing showing existing lot coverage and new proposed lot coverage.

Red outline shows existing lot coverage as established by survey.

Blue outline is proposed new lot coverage.

Proposed (blue) shows improved side and First St. parking setbacks.

Difference in lot coverage is approximately 0.7%..... from 36.7% to 37.1%.



REQUEST FOR VARIANCE McCall Exhibit Two

Lincoln County Assessor's Map (portion)

All lots in block existed before ordinance codified. All lots are non-conforming, undersized.

Using the existing McCall residence as an example of 36.7% lot coverage, and referring to this Assessor's Map, it is apparent that all same-block neighbors clearly exceed a 30% lot coverage. Some other homes in the block have added to their lot coverage since this aerial photo was taken.

Neighbors to the north, across First St., are zoned R-3 with a 40% lot coverage.

★ indicates McCall site (request for variance).



July 6, 2017

To: Yachats Planning Commission

From: Larry Lewis, City Planner

Re: Exceptions to Building Heights – Elevator Housing

At the June 20, 2017 Planning Commission meeting, the Commission continued the public hearing pertaining to possible amendments to building projections. The Commission received written and oral testimony from people who voiced concern about proposed restrictions to the height and size of elevator shaft housings. It was pointed out that the building code requires space at the top of an elevator shaft to accommodate a person standing on top of the elevator car.

The draft amendment would restrict elevator shaft housing to a maximum 9 square feet and 7½ feet above the peak of the roof. The maximum 9 square feet is restrictive given a typical commercial elevator cab (inside space) is 22 square feet and a typical residential elevator cab is 12-15 square feet. Testimony also included concern that the maximum 9 square feet would not accommodate commercial air handling units.

The Planning Commission can consider exempting elevator shaft housing from the maximum size requirements. It is improbable that Yachats will experience a proliferation of elevators. Plus, it is unlikely that elevator shaft housing units will be designed to be excessively larger than the minimum dimensions required by building codes.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

**CITY OF YACHATS
PLANNING COMMISSION**

June 20, 2017

Work Session Minutes

Vice-Chair Ron Urban called the June 20, 2017 work session of the Yachats Planning Commission to order at 2:00 pm in Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Christine Orchard, JD Deriberprey, Ginny Hafner, James Kerti. Absent: Shelly Shrock. Audience: 6.

I. Discussion Topics

A. Comprehensive Plan Goal B

Vice-Chair Urban stated he did not see any changes needed in Goal B. Commissioners Hafner and Kerti concurred.

B. Comprehensive Plan Goal C

Urban reported “anadromous fish” are fish that swim upstream. Anderson asked if the specific numbers are appropriated in Policies 3 and 4. Commissioner Deriberprey reminded Commissioners that the Plan should not have detailed requirements that belong in the Municipal Code. Commissioner Orchard concurred with Deriberprey. Urban noted YMC 9.52.070 D1 and D3 address the points in Policies 3 and 4, topics that the Commission updated three years ago.

Deriberprey explained the Plan Goals contain the overriding policies that should be followed while the YMC addresses how to implement that policy.

Commissioner Kerti instructed Commissioners how to locate the YMC in the new document library system.

Commissioners discussed the setbacks and zones along streams and ocean bluffs. Urban suggested combining Policies 3 and 4 into a general statement. Orchard noted the YMC separated the requirements for rivers versus oceans.

Hafner noted the Code sections do not address noxious weeds and invasive plants. Anderson noted Policy 4 reads, “wherein existing stabilizing vegetation shall not be removed,” but a reference to vegetation is not included in the YMC. Urban suggested vegetation is addressed later in the section. Anderson argued that YMC section D1 referred to “Ocean Protection Standards” while Section D2 referred to “Riparian Corridor Protection Standards,” and D1 does not mention vegetation removal.

Commissioners discussed the sentence, “Setbacks shall be a minimum twenty-five (25) feet from the top of the bank or greater if recommended by an Oregon certified engineering geologist” from D1. Kerti suggested a comma after “bank” may be needed to clarify the statement to indicate a greater setback may be needed if a geologist requires it, not that a minimum setback is needed only if a geologist recommends it.

Orchard noted Section E on exceptions addresses vegetation. Anderson believed Section E was for exceptions to items previously set in A through D, but if the earlier sections did not mention something, there could be no exception to it. Anderson asserted the question to be answered is whether language is needed in the code to address the removal of stabilizing vegetation for ocean bluffs. Urban noted YMC 9.52.090 addressed shoreline stabilization. Orchard indicated she could not find a specific reference to the 25 ft buffer in 9.52.090. Commissioners discussed if “riparian” could refer to oceans

1 based on definitions established in the code and noted the definitions in Section B of the Code separate
2 oceans from "rivers, streams, and significant wetlands."

3
4 Orchard asked for clarification on whether a requirement could exist in the Comprehensive Plan but not
5 be addressed in the YMC.

6
7 Commissioners agreed the Plan should be changed to two simple statements about protections to
8 replace Policies 3 and 4.

9
10 Urban noted Policy 5 is the same as YMC 9.52.090. Anderson did not believe that Policy 5 was too
11 specific and was instead giving a framework for prioritizing activities. Orchard and Urban argued that
12 the actions in Policy 5 are similar to Policies 3 and 4 only without specific numbers. Hafner saw the
13 enumeration of priorities are like the numbers in Policies 3 and 4. Urban suggested Policy 5 should
14 simply state the City should set priorities, not state what those priorities are.

15
16 Hafner suggested the Commission address Policy 5 when City Planner Lewis is present.

17 18 **C. Updates**

19 **1. Landmark Property**

20 Anderson reported Planner Lewis has indicated the property must adhere to all current code
21 (grandfathered requirements are no longer in effect). If the owners want to build, they will have to apply
22 for variances with the Commission.

23 24 **2. Formula Business Proposal**

25 Anderson noted the City Attorney stated the proposal by the Commission did not meet legal standards.
26 Anderson noted City Manager Davies and Councilor Frye are working with the attorney draft
27 appropriate legislation.

28 Anderson reported the attorney had indicated the Commission needs to follow a three-step process:
29 Identify the harmed to be cured, identify how the harm affects city, and identify how the proposed
30 legislation fixes the harm. Anderson reported the attorney suggested the Commission ask him to
31 research the legal precedent for developing code on a topic prior to the Commission getting into
32 specific requirements. Anderson noted there were several definitional issues in the Commission's
33 proposal, such as asking an employee to say, "Thank You," to all customers is a form of
34 standardization; how a retail store is different from a grocery store; corporate structures can apply to an
35 individually owned business; and an increase of one car is an impact on traffic.

36
37 Anderson explained Commission cannot see the document from the attorney to Manager Davis as the
38 attorney's communications with the City Manager are confidential.

39
40 Urban adjourned the work session at 2:55 pm.

41
42
43
44
45 _____
46 Ron Urban, Vice-Chair

45 _____
46 Date

47
48
49
50 _____
Minutes prepared by H H Anderson on June 25, 2017

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52

**CITY OF YACHATS
PLANNING COMMISSION**

July 18, 2017

Work Session Minutes

Vice-Chair Ron Urban called the July 18, 2017 work session of the Yachats Planning Commission to order at 2:00 pm in Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Christine Orchard, JD Deriberprey, Ginny Hafner, James Kerti. Absent: Shelly Shrock. Audience: 4.

I. Discussion Topics

A. Comprehensive Plan Goal C – Protection of Shoreland Resources

Follow up from last session on 25 foot setback: Commissioners readdressed the meaning of Section D1 stating, "Setbacks shall be a minimum of 25 feet from the top of the bank or greater if recommended by an Oregon certified geologist." Commissioner Orchard suggested a change to, "Setbacks shall be a minimum of 25 feet from the top of the bank. A greater setback shall be required if recommended by an Oregon certified geologist."

Native Vegetation: Planner Lewis noted the language for the shoreland section does not include protection of native vegetation. Lewis reported Depoe Bay states there can be no removal of vegetation as well as no change in the grade. These specifics would be stated in the Municipal Code, not the Comp Plan. Anderson asked Lewis to draft language to be added to the Code, which will be discussed at the next meeting.

Goal C, [Draft Revised] Policy 3: Commissioners agreed the draft language is appropriate.

Goal C, [Draft Revised] Policy 4: Commissioners agreed the draft language is appropriate.

Goal C, Policy 5: Commissioners discussed whether Policy 5 could be deleted. Orchard noted riprap, bulkhead, and seawalls are not covered in Policy 4. Urban simplified language of, "The City shall provide code to protect, maintain, and stabilize the shoreline. Stabilization and erosion control methods shall be included in the code."

After lengthy discussion, Commissioners concluded Policy 4 refers to the area from the top of the bluff or bank inland, while Policy 5 refers to the area from the top of the bluff or bank toward the ocean, and both are necessary. Orchard suggested being clearer in the distinction of Policies 4 and 5.

Commissioners looked at sections of the Code that address buffers and stabilization. Chapter 9.52.070 addresses shoreland setbacks.

Commissioners requested to get several hard copies of the Comprehensive Plan and the Municipal Code – Chapter 9 and to keep those copies by Lewis' desk for reference during meetings. Commissioners were not able to access online documents in a timely manner.

Goal C, Policy 6: Commissioners agreed the draft language is appropriate.

Goal C, Policy 7: Commissioners agreed to delete this policy.

Goal C, Policy 8: Commissioners agreed the draft language is appropriate.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

Goal C, Policy 9: Commissioners agreed to delete this policy as it is covered at the State level.

Goal C, Policy 10: Commissioners agreed the draft language is appropriate.

Lewis suggested reviewing at the “cleaned” versions of Goals A, B, and C at the next work session.

B. Preparation for Variance Hearing

Anderson asked Lewis if the Commission needed to look at all five criteria for a variance once one criterion had been rejected. It was agreed the commission should review all criteria as a matter of due diligence.

Urban adjourned the work session at 2:55 pm.

Ron Urban, Vice-Chair

Date

Minutes prepared by H H Anderson on July 27, 2017