1. Agenda

   Documents:

   5-15-18_PC_AGENDA.PDF

2. Meeting Materials

   Documents:

   SIGN_9.44_DRAFT.PDF
   LOT_PARTITION_APP_1109_KING.PDF
   BLDG_PERMIT_MAY_2018.PDF
   DRAFT_04-17-18_PLANNING_MINUTES_-1.PDF
   DRAFT_04-17-18_PLANNING_MINUTES.PDF

3. Work Session Minutes

   Documents:

   2018-05-15 PLANNING WS MINUTES.PDF

CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

TUESDAY, MAY 15, 2018: 2 PM WORK SESSION;
3 PM REGULAR MEETING

WORK SESSION AGENDA

A. Sign Ordinance

REGULAR MEETING AGENDA

I. Announcements and Correspondence
II. Minutes
  A. Regular Meeting and Work Session – April 17, 2018
III. Citizen's Concerns
IV. Public Hearing
  A. Case File #1-PAR-PC-18 2-Lot Partition Application – Nicholas Alexander
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: June 19, 2018 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: May 9, 2018

Chapter 9.44 - Signs

Sections:

9.44.010 Scope.
9.44.020 Definitions.
9.44.030 Permits required.
9.44.040 Zone requirements.
9.44.050 Temporary signs.
9.44.060 Nonconforming signs.
9.44.070 Maintenance and appearance of signs.
9.44.080 Abandoned signs.
9.44.090 Variances.

9.44.010 Scope.
Every sign erected, altered or relocated within the City of Yachats shall conform to the provisions of this Chapter. It does not regulate traffic and street signs erected and maintained by a road authority as defined in ORS 801.445, trespass signs posted in accordance with ORS 164.245 to 164.270, holiday decorations, temporary interior window signs, or the display of the national or state flag.

9.44.020 Definitions.
"A-Frame sign" means a freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.
"Banner sign" means a ground-mounted or building-mounted banner, pennant, flag or similar type of sign on fabric or similar material.
"Building sign" means a wall, projecting/hanging, window or roof sign.
"Digital sign", also referred to as "LED sign" means a sign or portion thereof that uses light emitting diode technology or similar semiconductor technology to produce an illuminated image, picture, or message of any kind, regardless of whether the image, picture, or message is moving or stationary. This type of sign includes conventional (using discrete LEDs), surface mounted (otherwise known as individually mounted LEDs), transmissive, organic light emitting diodes (OLED), light emitting polymer (LEP), organic electro luminescence (OEL), or any similar technology.
"Free standing sign" means a sign which is supported by a separate independent structure and is not attached to or supported by any other building or structure.
"Monument sign" means a ground-mounted sign supported from grade with a solid base that is at least 75% of the width of the sign. A monument sign can also be supported with multiple architectural-designed posts. Single posts are prohibited.
"Nonconforming sign" means a sign which was erected legally but which does not comply with currently applicable sign restrictions and regulations.
"Off-premises sign" means any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place, including products offered for sale or sold on premises other than on the premises where such sign is displayed.
"Open sign" means a sign referencing if the business is open or closed.
"Projecting sign" means a sign which is attached to the wall, overhang or awning of a building and which projects more than twelve (12) inches beyond the wall, overhang or awning of the building.
"Sign" means an identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure or land, and which directs attention to a product, place,

activity, person, institution or business.
"Temporary sign" means any sign that is not permanently installed or affixed to any sign structure or building, and is accessory to an event, election, government or institutional sponsored activity, lease, rental, or sale. A temporary sign does not include an A-Frame sign as identified above.
"Size" means the aggregate area of all sign display surfaces located on a single structure, but excluding posts and base that are without attached identification, description or illustration. Two surfaces parallel and back to back on the same structure, e.g. a projecting sign or 2-sided monument sign, shall be considered a single display surface.
"Wall sign" means a sign attached to or painted on a wall of a building with a display surface which projects no more than twelve (12) inches from the surface of the wall and not higher than the lowest roof edge above the building wall to which it is attached.

9.44.030 Permits required.

A. Except as herein provided, no sign shall be erected, replaced, altered or relocated without the business owner first obtaining a sign permit and the property owner (if different) granting permission for a sign permit, demonstrating that the sign is or will be in compliance with all provisions of this Chapter. A-Frame signs, and Banner signs, and one Open sign, as defined above, are exempt from sign permits.

B. Permits are issued for specific property only. Permits may transfer with ownership provided the signage is not altered or moved except to bring it into compliance with this section.

C. Fees for sign permits shall be established by resolution of the city council, and shall be paid prior to the sign being placed or altered.

D. Signs conforming to the current code that are damaged by acts of nature, vandalism or accident shall not be assessed a new sign permit fee when repaired to the pre-damaged condition.

E. A building permit shall be required for all free-standing signs as specified in the Oregon Structural Specialty Code, which shall be issued prior to sign placement, construction, or alteration.

9.44.040 Zone requirements.

A. In the R-1, R-2, and R-3 zones: one (1) accessory sign shall be allowed and shall be limited to the following sizes and restrictions:

1. Only wall signs are allowed in the R-1, R-2 and R-3 zones. The one exception is that free-standing address (house number) signs are permitted with a maximum size of four (4) square feet.
2. A sign not exceeding two (2) square feet in size accessory to a single-family dwelling or a home occupation, or six (6) square feet for a bed and breakfast inn.
3. A sign not exceeding twenty-four (24) square feet in size accessory to any other permitted or conditional use in the zone.
4. No moving or flashing signs, lit signs, roof signs, A-Frame signs, or banner signs shall be allowed in the R-1, R-2 and R-3 zones.
5. No sign shall be placed within ten (10) feet of any government-installed sign within a street right-of-way (stop signs, traffic control sign, etc.).

B. In the R-4, C-1, P-F, and S-P zones:

1. General sign requirements:
   a. No sign shall be placed within ten (10) feet of any government-installed sign within a street right-of-way (stop signs, traffic control signs, etc.)
   b. External light illuminating from a sign shall be directed away from a residential use or zone and shall not be located so as to distract motorists.
   c. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or interfere with the effectiveness of an official traffic sign, device, or signal.
   d. Where it can be demonstrated that directional signs are needed for directing or controlling vehicular access, or where such signs are required as a condition of approval for public safety, such signs may be permitted in addition to any other signs permitted by this section. Such signs shall be placed at each motor vehicle entrance or exit, shall not exceed nine (9) square feet in size and six (6) feet in height, and shall not restrict required sight distances or pedestrian and vehicular flow.

2. Sign types:
   a. Building Signs.
      1) Wall signs. A maximum 10% of a building façade is allowed to have signs. The maximum size of any one sign shall be limited to 10% of the façade (all of the allowable sign footage on the façade). ~~The maximum size of any internally lit sign shall be 24 feet.~~ A building façade is an exterior side of a building excluding the roof.
      2) Window signs. Windows are part of a building façade. Therefore, window signs are included in the maximum 10% of a building façade described above.
      3) The maximum amount of internally lit building signs shall be limited to a total of 24 square feet.
      4) Projecting signs. Projecting signs may extend a maximum five (5) feet from a building. Projecting signs may extend over a sidewalk within the public right-of-way with a minimum clearance of 7.5 feet from the ground so as to not affect pedestrian traffic. Placement of projecting signs on Hwy 101 sidewalks are subject to agreement with the Oregon Department of Transportation.
      5) Roof signs.
         a) No signs shall be painted directly on a roof.
         b) Roof signs shall not exceed 16 feet in height above the adjacent street grade nor exceed the peak of the roof.
         c) A roof sign on a flat roof shall be limited to a maximum of 16 feet above the street grade but not more than 3 feet above the roofline.
   b. Permanent free-standing signs.
      1) No more than one free-standing sign is permitted per street frontage per property.
      2) Single pole signs are prohibited.
      3) Monument signs shall have a maximum of:
         ~~a) 5 feet wide, 8 feet high, and 32 square feet area on lots having up to 300 linear feet of street frontage,~~

~~b) 8 feet wide, 8 feet high, and 50 square feet of area on lots with more than 300 linear feet of street frontage.~~

a. 8 feet in height as measured from the elevation of the centerline of the adjacent street.

b. 5 feet in width and 32 square feet of area on lots having up to 300 linear feet of street frontage

c. 8 feet in width and 50 square feet of area on lots with more than 300 linear feet of street frontage.

c. Banner signs.
   1) One freestanding banner sign is allowed per business.
   2) Banner signs shall not exceed 20 square feet.
   3) Ground-mounted banner signs may be placed on private property. Such signs shall not be mounted in or extend into public right-of-way. Ground mounted banner signs shall be setback 15 feet from the street at ingress/egress locations.
   4) Banners that are attached to a building and that extend over a public right-of-way shall have a minimum clearance of 7.5 feet from the ground.
   5) No banner, other than the American flag, shall be placed in flagpole holes along Hwy 101, and no banners shall be placed in the planters.

d. Digital signs. Digital signs are prohibited.

9.44.050 Temporary signs.
In addition to the allowances for signs provided by this section, temporary signs are allowed on private property with the following standards:

A. No more than one temporary sign is permitted per issue per property. Temporary signs are not permitted in the public right-of-way.

B. Temporary signs shall be a maximum of eight (8) square feet.

C. Temporary signs are allowed for not more than ninety (90) consecutive days or for any period of time during an election or event.

D. Temporary real estate signs for property for sale or lease shall be removed within fifteen (15) days of the sale or lease.

E. Temporary signs shall be secured so as not to be movable (pushed, pulled, blown, etc.).

F. No objects shall be attached to temporary signs, e.g. balloons, banners, etc.

G. Temporary A-Frame signs.
   1) Temporary A-frame signs are allowed for a maximum of three days in conjunction with a special occasion or unique event not related to an ongoing business.
   2) A-Frame signs may be placed on private property.
   3) A-Frame signs may be placed within the right-of-way on a sidewalk, however a minimum four (4) feet of lateral clearance shall be maintained on a sidewalk. A-Frame signs may not impede pedestrian access or opening of vehicle doors. Placement of A-Frame signs on Hwy 101 sidewalks are subject to agreement with the Oregon Department of Transportation.

4) A-Frame signs shall be a maximum of six (6) square feet with maximum dimensions of two (2) feet wide by three (3) feet tall.

5) A-Frame signs shall be weighted and secured so as not to be movable (pushed, pulled, blown, etc.)

6) No objects shall be attached to A-Frame signs, e.g. balloons, banners, etc.

7) A-Frame signs are only permitted during ~~business~~ event hours and should be removed during periods of high winds.

9.44.060 Maintenance and appearance of signs.
All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition. All signs shall be maintained in a neat, clean and attractive condition.

9.44.070 Nonconforming signs.
Any sign deemed to be nonconforming at the time these sign regulations become effective shall be deemed to be in compliance if the sign was erected with an approved sign permit. In the event that a nonconforming sign is damaged or destroyed by any means to the extent of fifty (50) percent or more of its replaced value, the sign may not be rebuilt or used thereafter unless it conforms to all of the provisions of this title.

9.44.080 Abandoned signs.
A. Any sign shall be removed when the associated business or event has been discontinued or completed, or when the sign is no longer properly repaired or maintained as required by this Chapter.

B. Abandoned non-conforming signs shall be removed in their entirety.

9.44.090 Variances.
To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter will produce hardship, a business owner (with permission from the property owner, if different) may apply for a variance pursuant to Chapter 9.80 of this Code.

CASE FILE: #1-PAR-PC-18
DATE FILED: Apr. 17, 2018
DATE APPLICATION DEEMED COMPLETE: Apr. 24, 2018
120-DAY COMPLETION DATE: Aug. 23, 2018
MEETING DATE: May 15, 2018

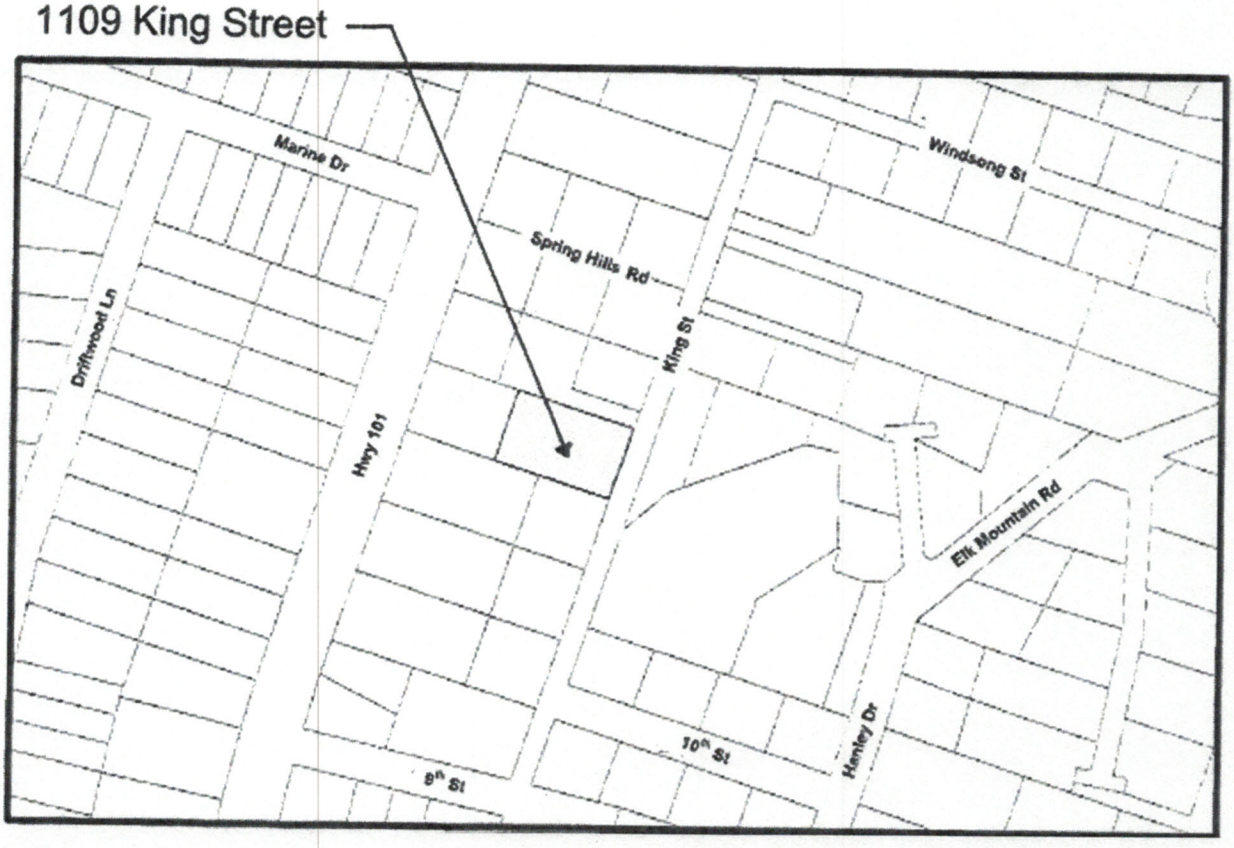
STAFF REPORT

2-Lot Partition Application

OWNER/APPLICANT: Nicholas Alexander

A. REPORT OF FACTS

1. Applicant's Request: The applicant proposes to partition the 16,181.5 square foot lot into two lots. The square footages of the two proposed lots are 6,849.7 and 9,331.8 square feet.
2. Property Location: The subject site is located at 1109 King Street, and further identified on Lincoln County Assessors Map #14-12-27AA as tax lot 7500.

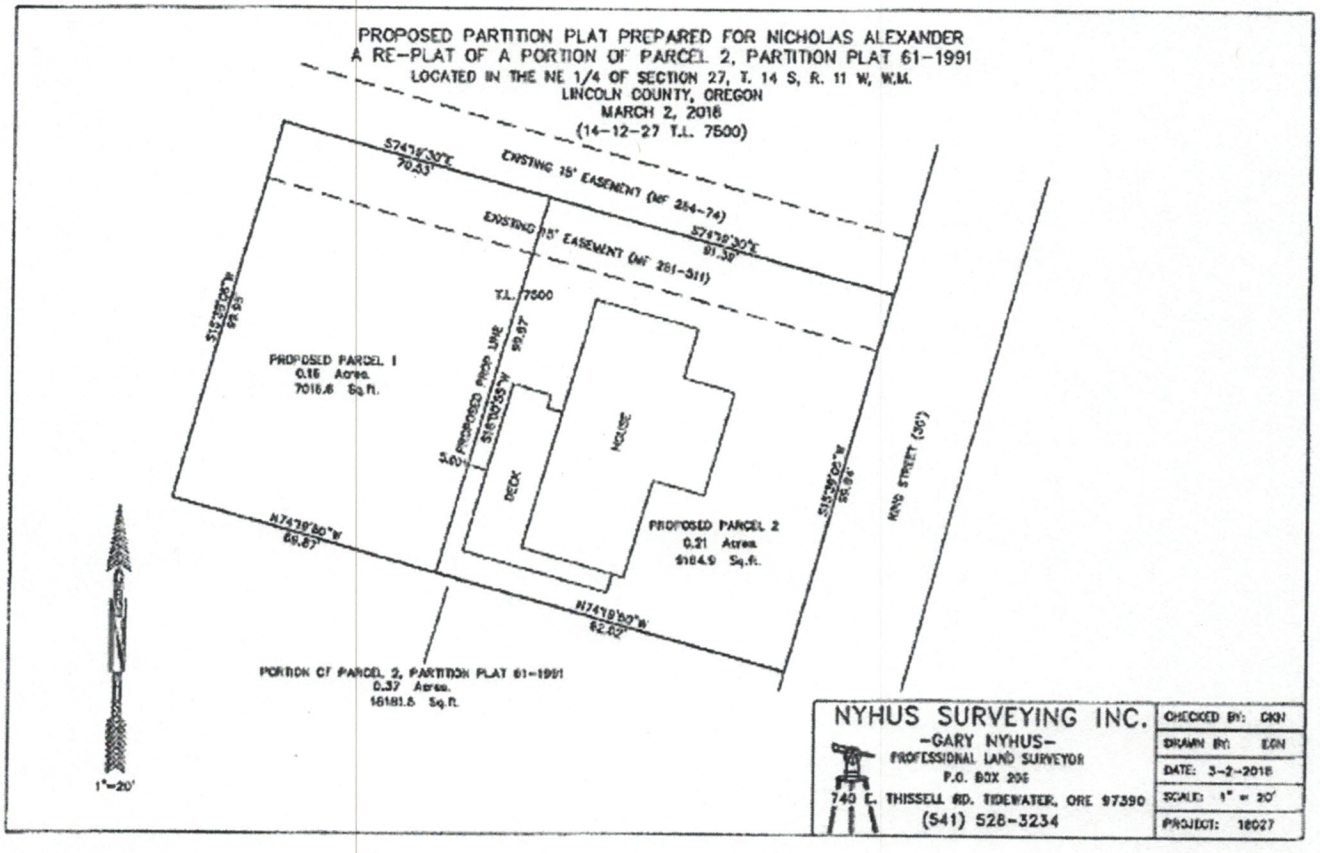


3. Zoning: Residential Zone R-3
4. Plan Designation: Residential
5. Lot Size: The existing lot totals approximately 16,181 square feet.
6. Existing Structures: One single family dwelling.

7. Surrounding Land Use: Single family residences generally surround the subject site.
8. Existing Utilities:
   Water & Sewer: City of Yachats
   Electricity: Central Lincoln PUD
9. Development Constraints: None.

B. EVALUATION OF REQUEST

1. **Applicant's Proposal:** The applicant submitted the application form and fee, and a proposed partition plat that shows existing property lines, the proposed property line, existing house and deck, and existing access and utilities easements.



Note: The proposed property line shown above has been relocated 1'-8" to the west in order to meet the minimum yard setback for the existing deck.

2. **Relevant Code Standards:**

Yachats Municipal Code Chapter 9.16.020 R-3 Residential Zone Standards

A. Lot Size and Dimensions

1. The minimum lot area shall be six thousand (6,000) square feet for a one-family dwelling; seven thousand five hundred (7,500) square feet for a two-family dwelling; six thousand (6,000) square feet for the first dwelling unit and two thousand five hundred (2,500) square feet for each additional unit in a multifamily dwelling when a lot is served by both a public water supply and public sewage disposal system.

However, the maximum density in the R-3 zone shall not exceed twelve (12) dwelling units per acre.

2. (Not applicable)
3. The minimum lot width at the front building line shall be 50 feet for an interior lot and 55 feet for a corner lot when the lot is served by both a public water supply and public sewage system.
4. (Not applicable)
5. The minimum lot depth shall be 80 feet.
6. (Not applicable)
7. (Not applicable)

B. Yards. The minimum yard requirements in the R-3 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 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 (10) feet, except that on a corner lot it shall be a minimum of either five feet or one foot for each three feet of building height, whichever requirement is the greater.

C. Building Height. No building in the R-3 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 forty (40) percent of the total lot area.

E. Off-Street Parking. Residential dwellings shall have at least two permanent parking spaces per dwelling unit. Such a parking space, garage or carport shall provide for the ingress and egress of a standard size automobile. Each parking space must be at least twenty (20) feet long and nine feet wide. Regular off-street parking shall not be permitted within the required yards adjacent to a street.

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.

Yachats Municipal Code Chapter Section 9.56.020 General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions

The following are the minimum requirements and standards to which partitions and subdivisions must conform before approval:

A. Conformity to the Comprehensive Plan. All partitions and subdivisions shall conform with all adopted portions of the comprehensive plan, zoning ordinance and all other adopted plans. Major streets, parkways, parks and recreation areas, community and neighborhood facilities should be placed in approximately the same locations designated by the comprehensive plan.

B. Access. The partitioning and subdividing of land shall provide each lot or parcel, by means of a public or private road or street, satisfactory vehicular access to an existing street.

C. Relation to Adjoining Street System. A partition or subdivision shall provide for the continuation of the major and secondary streets existing in the adjoining subdivisions or partitions and for their proper projection when the adjoining property is not subdivided. If the planning commission adopts a plan for a neighborhood of which the partition or subdivision is a part, the partition or subdivision shall conform to such adopted neighborhood or area plan. If, in the opinion of the planning commission, topographic conditions make such continuation or conformity impractical, exceptions may be made.

When a tract is partitioned or subdivided into lots of an acre or more, the planning commission may require an arrangement of lots and streets such as to permit a later repartitioning or resubdivision in conformance with the street requirements and other requirements contained in these regulations.

D. Easements.

1. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways and walkways, and to provide necessary drainage ways or channels.
2. A private easement established without full compliance with these regulations may be approved by the planning commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

E. Public Access Ways. When necessary for public convenience and safety, the planning commission may require the land divider to dedicate to the public access ways ten to twenty (20) feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for a network of public paths according to adopted plans or to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.

F. Lots and Parcels.

1. Every lot and parcel shall abut on a street and the frontage of each shall not be less than twenty-five (25) feet, unless the planning commission grants otherwise.
2. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.
3. Lots or parcels with double frontage shall not be permitted unless, in the opinion of the planning commission, an odd shaped tract or existing topography makes such lot or parcel unavoidable.
4. Lot and parcel sizes and dimensions shall conform to the requirements for lot size and area of the zoning classification in which the partition or subdivision is located.
5. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one.

G. Performance Agreement. If all improvements required by the planning commission and this title are not completed according to specifications as required herein prior to the time the plat is duly submitted for consideration and approval, the planning commission may accept in lieu of the completion of improvements a performance agreement or bond executed by the partitioner or subdivider and his or her surety company with the city council conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the planning commission.

H. Water. All lots in partitions or subdivisions shall be served by a public water system. No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the city water Director that water will be available from the nearest point of supply; or
2. A performance agreement, bond contract or other assurance that a water supply system will be installed by or on behalf of the subdivider to every lot or parcel depicted in the proposed partition or subdivision.

I. Sewer. No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the city sewer Director that sewage service will be available at the nearest point of collection; or
2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner or subdivider to the boundary line of each and every lot or parcel depicted in the proposed partition or subdivision;
3. Where no sewerage service is available, the Department of Environmental Quality or county health department shall approve the proposed method of sewage disposal adequate to support the proposed use of the land for the partition or subdivision. A statement that no sewerage service is available and that the proposed method of sewage has been approved will be provided to the purchaser of each lot or parcel in the proposed partition or subdivision. A copy of any such statement signed by the partitioner or subdivider and endorsed by the planning commission chair shall be filed by the partitioner or subdivider with the real estate commissioner.

Yachats Municipal Code Chapter Section 9.56.040 Partition Procedure for Dividing Land.

D. Submitting the Plat. Within one year after the approval of the preliminary plan becomes effective, a partition plat shall be submitted to the planning commission for approval which is in substantial conformity to the approved preliminary plan and conditions of approval.

The partition plat shall be prepared by a professional land surveyor who is licensed in the state of Oregon, and shall conform to the surveying requirements in ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards. In addition to the information as required on the preliminary plan, and the information required by ORS 92, the following information shall be provided:

1. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than thirty (30) days prior to the date that the partition plat is submitted for final approval. Such report

shall also identify all easements of record;

2. The deed dedicating to the public all common improvements, including but not limited to streets and roads, the donation of which was made a condition of approval of the preliminary plan for the partition;
3. A copy of all protective deed restrictions proposed;
4. The certification, performance agreement, bond, contract or other assurances regarding the availability or installation of water and sewer services as provided in Section 9.56.020;
5. The location of the approved site for the septic system if applicable.

Yachats Municipal Code Chapter 9.56.64 Street Construction and Design, Section 9.64.020 Private Streets

A. General Requirements.

1. Private streets shall provide access only to abutting lots. No street providing access to other streets or to areas not abutting such streets shall be approved as private streets.
2. At such time as a preliminary plan is proposed which includes private streets, all adjacent property owners shall be notified of such proposal and the time and place of the planning commission hearing.
3. A private road shall be approved provided:
   a. The planning commission is satisfied that such street is not presently needed as a public road;
   b. It will never be extended through to adjacent property;
   c. It will not be utilized for public road purposes in the normal growth area.
4. Modification of private street requirements and/or standards shall be approved only:
   a. For street creation in areas where because of topographical or geological conditions full compliance or strict adherence to the standards and requirements would prevent reasonable access to the area; or
   b. For access created to not more than three lots.
5. Yard setbacks shall be determined from the road right-of-way or access easement line in instances where private roads are considered.

B. Standards for Private Streets.

1. Private road right-of-way may be approved of less than fifty (50) feet in width except that the right-of-way width shall not be less than ten percent of the road length and in no instance shall the road right-of-way be less than thirty (30) feet except that a private road to two lots may be twenty (20) feet in width. In all instances where the road access is less than fifty (50) feet in width a ten foot utility easement on each side of the road right-of-way or easement shall be provided.
2. Improvements on private roads shall be the same as those for public roads providing access to similar development, and shall adhere to all provisions of Chapter 7.04.

3. **Public Testimony:** At the time this staff report was prepared, written testimony included one letter from a nearby property owner. The property owner is opposed to the partition due to increased density that will harm the charm of Yachats, increase traffic, increase interface with wildlife, and increase demand on infrastructure.

C. STAFF ANALYSIS

1. **R-3 Standards.** The following table identifies the applicable R-3 standards and the proposed 2-lot partition.

Standard	Minimum Requirement	Proposed Parcel 1	Proposed Parcel 2
Lot Size	6,000 sq. ft.	6,849.7 sq. ft.	9,331.8 sq. ft.
Lot Width at front bldg. line	50 ft. for interior lot 55 ft. for corner lot	~69 ft.	~93 ft.
Avg. Lot Depth	80 ft.	100 ft.	100 ft.
Front Yard	Min. 20'	Applicable when building permit application is submitted.	22' (existing from property line) 7' (existing from access easement line
Rear Yard	10'		N/A
Rear Yard for Corner Lot	6'-8" w/ 20' building ht.		7' (existing deck)
West Side Yard	6'-8" w/ 20' building ht.		6'-8" (proposed)
Building Height	Max. 30'		20' (existing)
Lot Coverage	Max. 40%		26%
Parking Spaces	2		2

The above table demonstrates the two proposed parcels meet the minimum R-3 standards.

2. **Partitions. General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions**

   a. **Conforms with Comprehensive Plan.** The two proposed lots conform to the goals and policies of the Comprehensive Plan.

   b. **Access.** Both parcels are proposed to be accessed from the north side via existing easements (private street). The existing easements are 15' wide on the northern side of the subject property and 15' wide on the south side of the adjacent property to the north. Therefore, a total 30' wide easement is in place.

   Upon approval of this partition it is recommended that a condition of approval require both lots to have access and utility easements on both 15' wide easements.

   c. **Relation to Adjoining Street System.** The proposed private street extends off of King Street and is proposed to provide access to the two parcels.

   d. **Easements.** As described in 'b. Access' above, there are two existing 15' wide access and utility easements. Both easements (one on the subject property and one on the adjacent property to the north) are needed for adequate width for legal access and utility connections to each lot.

   Access from the private street into each lot may be at the existing driveway location. The proposed property line runs through the existing driveway. Assuming the existing driveway is maintained and used by both properties, easements will be required for each lot, i.e. the east lot will need an easement to encroach on the west lot when entering and exiting the property, and vice-versa.

   e. **Public Access Ways.** Public access ways are not necessary.

f. **Lots and Parcels.** Both proposed lots exceed the minimum frontage required on a private street. The proposed property line is perpendicular to the private street and parallel with King Street. No double frontage lots are proposed. Lot sizes and dimensions conform with the R-3 standards.

The proposed lots are less than 25,000 square feet and therefore must not exceed a 3.50:1 lot depth-to-width ratio. Parcel 1 has an approximate lot depth-to-width ratio of 1.42:1. Parcel 2 has an approximate lot depth-to-width ratio of 1.08:1.

g. **Performance Agreement, Bond Contract or Other Assurance of Improvements.** No improvements (street or utility improvements) are proposed at this time.

3. **Private Streets Standards.** Private road right-of-way may be approved of less than fifty (50) feet in width except that the right-of-way width shall not be less than ten percent of the road length and in no instance shall the road right-of-way be less than thirty (30) feet.

The private street is approximately 185 feet long. The private street is 30 feet wide. Therefore the private street width is not less than 10% of the road length and not less than 30 feet wide.

D. CONCLUSIONS

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

1. Within one year after the approval of this preliminary plan becomes effective, a partition plat shall be submitted to the City Planner for approval which is in substantial conformity to the approved proposed partition plat and conditions of approval. Any substantial change to the approved preliminary plan shall require a new application.

   The partition plat shall be prepared by a professional land surveyor who is licensed in the state of Oregon, and shall conform to the surveying requirements in ORS 92.050 through 92.080 and the Lincoln County surveyor's plat standards.

2. Parcel 1 shall have access and utility easements across the northerly 15 feet of Parcel 2 and across the southerly 15 feet of the adjacent lot to the north. The easements shall be shown on the partition plat.

3. Parcel 2 shall maintain the 15 foot wide easement for access and utilities across the southerly 15 feet of the adjacent lot to the north. The easement shall be shown on the partition plat.

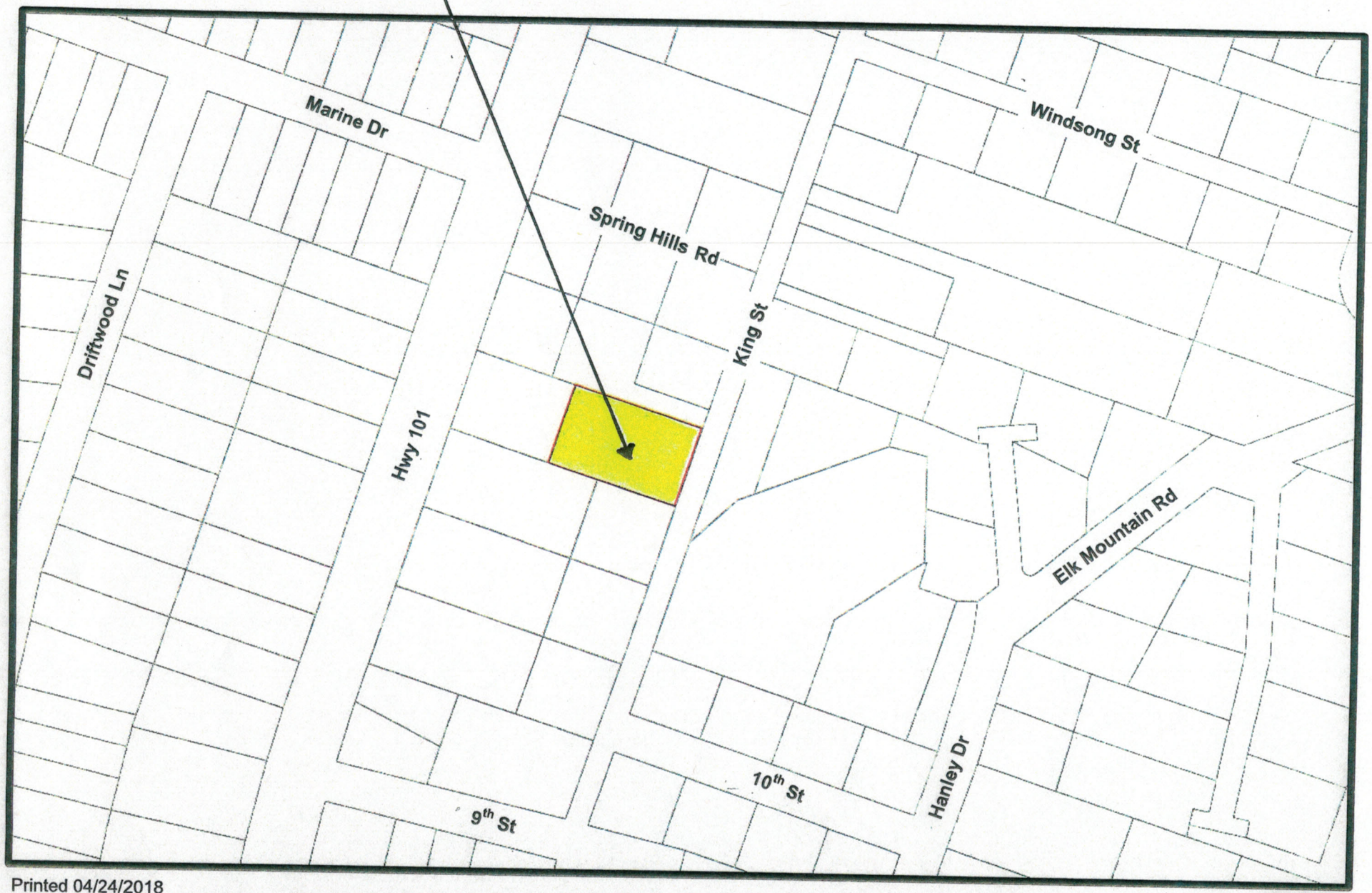
4. If access into either parcel requires encroachment on the other parcel, an easement(s) shall be established and shown on the partition plat.

Submitted by,

Larry Lewis
City Planner

Enclosures: Vicinity Map
Applicant's Proposed Partition Plat
Saraceno letter

1109 King Street

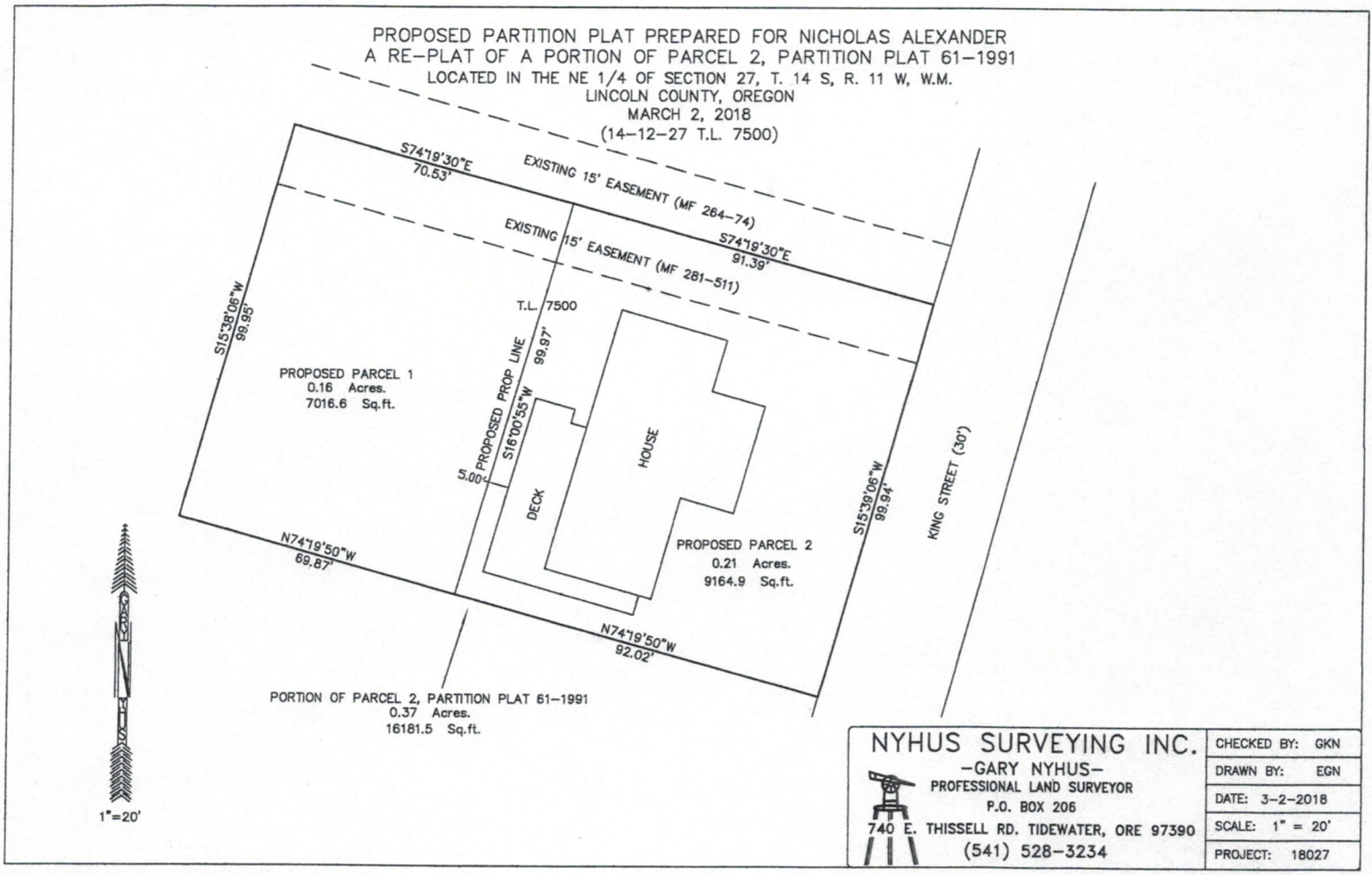


Printed 04/24/2018

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

N

Lincoln County OREGON



Note: The proposed property line shown above has been relocated 1'-8" to the west in order to meet the minimum yard setback for the existing deck.

Peter Saraceno
1879 Moss St.
Eugene, OR 97403

May 4th, 2018

Larry Lewis
City of Yachats
441 N. Highway 101
Yachats, OR 97498

Dear Mr. Lewis,

My name is Peter Saraceno and my wife and I own a property on 1111 Saki Lane. It happens to be directly above 1109 King Street, the property that Mr. Alexander wishes to partition and increase density in our neighborhood. We oppose this change of zoning and believe it will negatively change the character of our community.

I recognize we just built a home in Yachats. However, we abided the rules and did not build two homes. The increased density will harm the charm of Yachats, will increase traffic, will increase interface with wildlife, and will increase demand on infrastructure. This change in law will create a precedent to shun land use rules, and create an expectation that subsequent development can do this also.

Personally, we will see the effects of the

lot partition from our home. While it seems that development is hard to blunt, and it's costs are great, we must adhere to the laws put in place to mitigate these costs. The charm and character of Yachats are at stake. We recognize the strain our home put on the city, by building an undeveloped land. I have faith that land use planners calculated the cost of our dwelling on the social and physical environment. We believe that sub-dividing a lot places a greater burden beyond what was originally planned. Mr Alexander has a right to build on his land. I hope the City will hold him to the original Compact.

Sincerely,

Peter Saraceno

City of Yachats
2018 LAND USE / BUILDING PERMIT ACTIVITY

For the Period April 11, 2018 through May 8, 2018

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
4/17/18	Building Permit	Rik & Katherine Arndt	14-12-27AC/2500 880 Ocean View Dr	R-1	New single family dwelling	Approved 4/17/18
4/23/18	Building Permit	Fisterra Gardens Townhome LP	14-12-23CC/6800 100-190 Diversity Dr	R-3	Open pavilion	Approved 4/24/18
4/23/18	Building Permit	Fisterra Gardens Townhome LP	14-12-23CC/6800 100-190 Diversity Dr	R-3	Storage shed/greenhouse	Approved 4/24/18
4/24/18	Building Permit	Barry Collins	14-12-26CB/500 230 King St	R-1	Replace section of wall.	Approved 4/24/18
4/24/18	Building Permit	Rachel Bender	14-12-26BB/3100 215 Windsong St	R-1	New single family dwelling	Pending revised setback.
4/24/18	Land Partition Application	Nicholas Alexander	14-12-27AA/7500 1109 King Street	R-3	2-lot partition	Pending 5/15/18 Planning Commission meeting

YACHATS PLANNING COMMISSION

April 17, 2018

Draft Minutes

Chair Helen Anderson called the April 17, 2018 meeting of the Yachats Planning Commission to order at 3:06 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Ginny Hafner, Mary Ellen O'Shaughnessey, and James Kerti. Absent: Shelly Shrock and Christine Orchard. Staff present: City Planner Larry Lewis. Audience: 0.

I. Announcements and Correspondence - none

II. Minutes

A. March 20, 2018 Work Session Meeting

Page 1, Line 26: "Several Commissioners thought the language about having window signs on the interior building included as part of the maximum allowable façade" should read "Several Commissioners thought the language about window signs on the interior being part of the maximum allowable façade was unclear."

Page 2, Lines 29-30: delete the clause, "equivalent to a sheet of plywood."

Page 2, Line 46: "into high winds" should be "in high winds."

Page 2, Lines 45-47: delete the sentence, "Commissioners did not believe a criterion for removing banners during high winds as an owner would be motivated to not have their sign damaged in high winds and the regulation would be hard to enforce."

Page 2, Lines 39-40: delete "Commissioners could not find a reference on this issue in the minutes."

Page 1, Line 50: "a the roof" should be "the roof"

Commissioner O'Shaughnessey moved to approve the March 20, 2018 Planning Commission work session minutes as amended: Aye - 5; No – 0.

March 20, 2018 Work Session

Page 1, Line 47: "criteria are very hard to me" should read, "criteria are very hard to meet"

Hafner moved to approve the March 20, 2018 Planning Commission work session minutes as amended: Aye 5; No – 0.

Hafner asked that meeting minutes be included with the meeting packet when it gets distributed.

III. Citizen's Concerns - none

IV. Planner's Report

Lewis noted there were requests for two new family dwellings, one on E 3rd St and one on Ocean View Dr, and for building the South Tank. Commissioners questioned why the building permit was just being issued when building had begun on the site. Lewis noted the contractor had confusion about whether he needed a conditional use permit versus a building permit from the County. O'Shaughnessey asked about the consequences on not following the code.

Lewis reported the last information he had regarding permits for the Farm Store was that the owner was consulting an architect about assessing the situation in order to submit proper building permits.

V. Other Business

DRAFT

A. From the Commission

Anderson noted the last statement in Title 9 is that any violation of Title was a Class A Civil Infraction. She noted YMC 1.12 describes Civil Infractions and how the citation and adjucation is carried out. Lewis asked if the $1,000 maximum fine in section 1.12.070.A was per day. Anderson believed the amount was a one-time fine. Anderson noted the Commission could assign differing fine amounts to different parts of the code.

Urban noted the entire code needed to be updated. He referenced a notice from former Manager Davies that started the process.

Commissioners discussed whether fines should be assessed on a per day criteria. Lewis noted a situation in Depoe Bay where a person was willing to pay a one-time fine and not remedy the violation. Commissioners agreed they should consider changing to a per day fine structure. Anderson indicated she would investigate the matter.

Anderson stated Julie Rosenfeld is the new Code Enforcement Officer and has office hours on Wednesday, Thursday, and Friday afternoons.

Urban reported he noted in 2.04.030 of the Yachats Code that the term of a Planning Commissioner is four years, not three as has been practiced in recent years. Anderson indicated she would discuss the issue with Manager Beaucaire.

Hafner clarified the best practices for managing situations where people ask her about issues being addressed at the Planning Commission.

B. From Staff

Lewis noted that other jurisdictions have been allowing accessory dwelling units, and this issue will likely come before the Commission to address.

Anderson adjourned the meeting at 3:42 pm.

_____ _____

Helen Anderson, Chair Date

Minutes prepared by H H Anderson on May 8, 2018.

DRAFT

YACHATS PLANNING COMMISSION

April17, 2018

Work Session Draft Minutes

Vice-Chair Ron Urban called the April 17, 2018 meeting of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Mary Ellen O'Shaughnessey, Ginny Hafner, and James Kerti. Absent: Shelly Shrock and Christine Orchard. Staff present: City Planner Larry Lewis. Audience: 0.

I. Sign Ordinance

Referring to Draft Ord 4-17-18

Page 3, B2a(2): Commissioner Anderson noted Lewis had indicated window signs are part of the allowed signage square footage on a façade. Lewis amended item (2) to specifically state window sings are part of the façade restriction.

Page 3, B2a(1): "24 feet" should be "24 square feet"

Page 3, B2a(1): Anderson noted they have limited the size of any one sign to be 24 square feet, but there is not a limitation on the total amount of internally lit signage. Commissioners discussed where in the section to put a maximum restriction and agreed to put it as its own number under "a. Building Signs." The maximum size of any internally lit sign shall be 24 feet" should be removed in B2a(1) and a new number added to state, "The maximum amount of internally lit building signs shall be limited to a total of 24 square feet.

Page 3, B2b(3): Commissioners discussed whether "multi-pole" needed to be added to "Monument signs shall have…" It was noted that multi-pole is part of the definition for monument signs so no addition is necessary.

Commissioners discussed the possible ways a monument sign could be constructed given the size limitations on width, height, and total square feet.

Urban suggested the maximum on height needed to have a defined reference point for the base, such as the elevation of the street. Commissioners agreed the demarcation should be from the center line of the street, so that a new criterion is added to B2b(3)a:

a. 8 feet in height as measured from the elevation of the centerline of the adjacent street
b. 5 feet in width and 32 square feet of area on lots having up to 300 linear feet of street frontage with more than 300 linear feet of street frontage

Anderson clarified that the maximum square footage on signs applied to the total structure or just the sign part. Lewis indicated that maximum typically applies only to the sign.

Page 3, B1: Anderson noted some regulation for trespass lighting. Anderson indicated she would bring information about how to address trespass light at the next work session.

Page 3, B2(a)3: Lewis noted a surface sign attached flush to the roof was omitted from this section. Anderson indicated that restriction should be included under Roof Signs.

Page 3, B2c: Commissioners agreed that only freestanding banner signs should be limited to one.

1) One freestanding banner sign is allowed per business
2) Banners affixed to a building are regulated under section B2: Building Signs.
3) Banners shall not exceed 20 square feet

DRAFT

continue with criteria currently numbered 3,4 and 5

Commissioners noted Projecting Signs were inadvertently omitted from this draft. Lewis will add this section back as Item 3 under Building Signs, making Roof Signs item 4.

Commissioners noted an exemption for one “Open” sign was inadvertently removed from a previous draft and should be included under section B2a.

Commissioners noted this “Open” sign should be included as a sign exempted from permitting in section 9.44.030.A: Temporary A-Frame signs, Banner signs, and one Open sign, as defined above, are exempt….” This change necessitates adding a definition for an Open sign.

Lewis noted there is no limitation on the number of projecting signs. Commissioners did not reach a conclusion.

Commissioner agreed to each review this code in detail so the draft might be completed at the next work session.

Urban adjourned the work session at 3:09 pm.

_____ _____

Ron Urban, Vice-Chair Date

Minutes prepared by H H Anderson on May 8, 2018.

DRAFT

YACHATS PLANNING COMMISSION

May 15, 2018

Work Session Approved Minutes

Vice-Chair Ron Urban called the May 15, 2018 meeting of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Mary Ellen O'Shaughnessey, Ginny Hafner, and James Kerti, Shelly Shrock. Absent: Christine Orchard. Staff present: City Planner Larry Lewis. Audience: 0.

I. Sign Ordinance

Commissioner Urban summarized the Commission left off at 9.44.060. Commissioner Anderson clarified with Planner Lewis that no definition for "special occasion" or "temporary event" was needed. Commissioner Hafner added that the language of temporary signs not being used as part of "ongoing business" eliminated the need for defining temporary events.

Hafner asked if 9.44.050(G)2 on temporary sign placement would impact where the Lion's Club would place their signs. Lewis noted G.3 does allow for placement in the right-of-way under certain conditions.

Section 9.44.060 Maintenance and appearance of signs: Commissioners had no comments.

Section 9.44.070 Nonconforming signs: Urban noted how many nonconforming signs exist in Yachats. Anderson clarified that when a property changes ownership but the business remains the same, the nonconforming signage is grandfathered in. Lewis noted there are many signs that have never been permitted. Anderson indicated nonconforming signs that have been erected since the permitting requirement was established could be issued a citation.

Commissioner Kerti asked for clarification on the how the "50% of replaced value" is determined. Commissioners discussed how this requirement could be averted by incremental repairs/replacement or inflating sign replacement costs. Lewis indicated this language is typical for other systems, and noted that some cities have implemented regulations that when a septic system needs repair, the sewer system must be connected to the city sewer system. Anderson commented that while it could be a requirement that nonconforming signs in need of repair must be replaced, that rule could get excessive with signs like the one at the Dublin House. The cost to replace that could be quite significant. Commissioner Shrock pointed out there is not much incentive for property owners to bring their signs into compliance. Commissioner O'Shaughnessey added that many small businesses do not have high enough profits to be able to afford new signage.

Anderson suggested the City could have some program where they provide financial assistance to businesses that want to bring their signs up to code. Commissioners believed this idea had promise. Kerti asked if the Commission could send a memo to Council to make this request. Commissioners discussed options for handling the damage criteria and financial aspect of repairs and replacement. Shrock suggested that when the Commission forwards the sign ordinance to the Council, they could add a letter suggesting the sign replacement assistance program.

9.44.080 Abandoned signs: Commissioners discussed the definition of abandoned signs. Commissioners noted that while abandoned, nonconforming signs are required to be removed, often the business abandoning the property does not want to or cannot remove the existing sign, such as the example of the old bank sign. O'Shaughnessey suggested a time requirement for removal. Commissioners agreed to add 30-day removal criteria for 9.44.080(B) to read:

> "Abandoned non-conforming signs shall be removed in their entirety within thirty (30) days of closure."

Lewis noted with weed abatement, the City sends a letter stipulating the need to address the problem and indicates the owner will be billed if they do not address the matter. O'Shaughnessey suggested greater clarity is needed in the statement regarding the removal at owner's expense with respect to 9.88.170, "Any person violating or causing the violation of any provisions within this title shall be deemed to have committed a Class A civil infraction, such infraction to be processed in accord with the procedures set forth in Chapter 1.12 which governs all civil infractions." Kerti supported O'Shaughnessey's suggestion to add clarity to the consequences.

Anderson read the language with respect to weed abatement: Any actual costs incurred by the City in enforcing this section, including, but not limited to, summary or other abatement costs pursuant to subsections B and G of this section, shall become a lien against the property and perfected and recorded as such according to state law (section 5.08.110(J)).

Commissioners agreed to add a section 9.44.100 to include the language used above for the weed abatement section.

Kerti asked if a definition of "abandoned signs" was needed. O'Shaughnessey noted there is language for when businesses have been "discontinued or completed." Commissioners agreed to add the definition of abandoned signs to the definition section.

9.44.090 Variances: Urban summarized that the Commission can work to adjust appeals to allow for reasonable requests. Lewis commented that getting a variance for a sign presents a greater challenge than getting variances for other land use hardships.

Anderson noted that the City wants the Code Enforcer to be more proactive in getting vacation rentals to have property management company signage closer to the street as required in the Code. She noted that there are situations where people have complaints but do not want to go to the front door to get information, and the Code Enforcement side wants contact information readable from the street.

Anderson reported that a City Planner from another jurisdiction explained that while language to address trespass lighting could be added, problems arise in the measurement of trespass lighting if other light sources are in the area. Language in the sign section would require isolating the light from just that sign, whereas added language to the lighting requirements section of the code would eliminate the need to parcel out the sources of light. Anderson suggested that regulating the trespass lighting issue would be much more effectively and efficiently handled in Section 5.08 of the Code.

Anderson also reported the planner indicated the electric code stipulated lighting standards for internally lit signs, and the likelihood of those types of signs causing significant trespass lighting is low. She suggested this light source would be covered in the same measure used for trespass light.

Commissioners discussed next steps to set the Public Hearing on the sign code. Lewis indicated he would get the draft to the City Attorney and to OLCD. The draft of the Light Industrial code section could be added to this hearing.

Lewis noted the Commission needs to review the Comp Plan changes to get the hearing on that topic scheduled. Anderson asked Lewis to provide a draft of the Plan to Commissioners to be discussed at the next work session.

Urban adjourned the work session at 2:56 pm.

_____ _____

Ron Urban, Vice-Chair Date

Minutes prepared by H H Anderson on June 7, 2018.