

1. Agenda

Documents:

[6-19-18_PC_AGENDA.PDF](#)

2. Meeting Materials

Documents:

[BLDG_PERMITS_AS_OF_6-5-18.PDF](#)
[PUBLIC_HEARING_-ALEXANDER_- _ANTHONY.PDF](#)
[DRAFT_05-15-18_PLANNING_MINUTES.PDF](#)
[DRAFT_05-15-18_PLANNING_WORK_SESSION_MINUTES.PDF](#)
[HOUSING_AND_ACCESSORY_DWELLING_UNITS.PDF](#)
[COMP_LAND_USE_AMEND.PDF](#)

3. Work Session Minutes

Documents:

[2018-06-19 PLANNING WS MINUTES.PDF](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

**TUESDAY, JUNE 19, 2018: 2 PM WORK SESSION;
3 PM REGULAR MEETING**

WORK SESSION AGENDA

- A. Comprehensive Plan Amendments
- B. Housing and Accessory Dwelling Units

REGULAR MEETING AGENDA

- I. Announcements and Correspondence
- II. Minutes
 - A. Regular Meeting and Work Session – May 15, 2018
- III. Citizen's Concerns
- IV. Public Hearing
 - A. Case File #1-PAR-PC-18 2-Lot Partition Application – Nicholas Alexander (continued)
 - B. Case File #1-VAR-PC-18 Variance Application – Robert Anthony
- 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: July 17, 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: June 12, 2018



City of Yachats
2018 LAND USE / BUILDING PERMIT ACTIVITY

For the Period May 9, 2018 through June 5, 2018

Date	Application/ Activity	Owner/Applicant	Tax Map/Lot Location	Zoning	Description	Status
5/11/18	Variance Application	Gary Church/ Robert Anthony	14-12-27DA/4400 153 N Hwy 101 Luna Sea Fishhouse	C-1	Parking variance	Pending June 19, 2018 Planning Commission meeting
5/23/18	Building Permit	Lassie Cullen	14-12-34AD/3000 462 Overlook Dr	R-1	New attached garage to single family dwelling	Approved 5/28/18

June 5, 2018

To: Yachats Planning Commission

From: Larry Lewis, City Planner

**Re: Case File #1-VAR-PC-18 Alexander
2- Lot Partition**

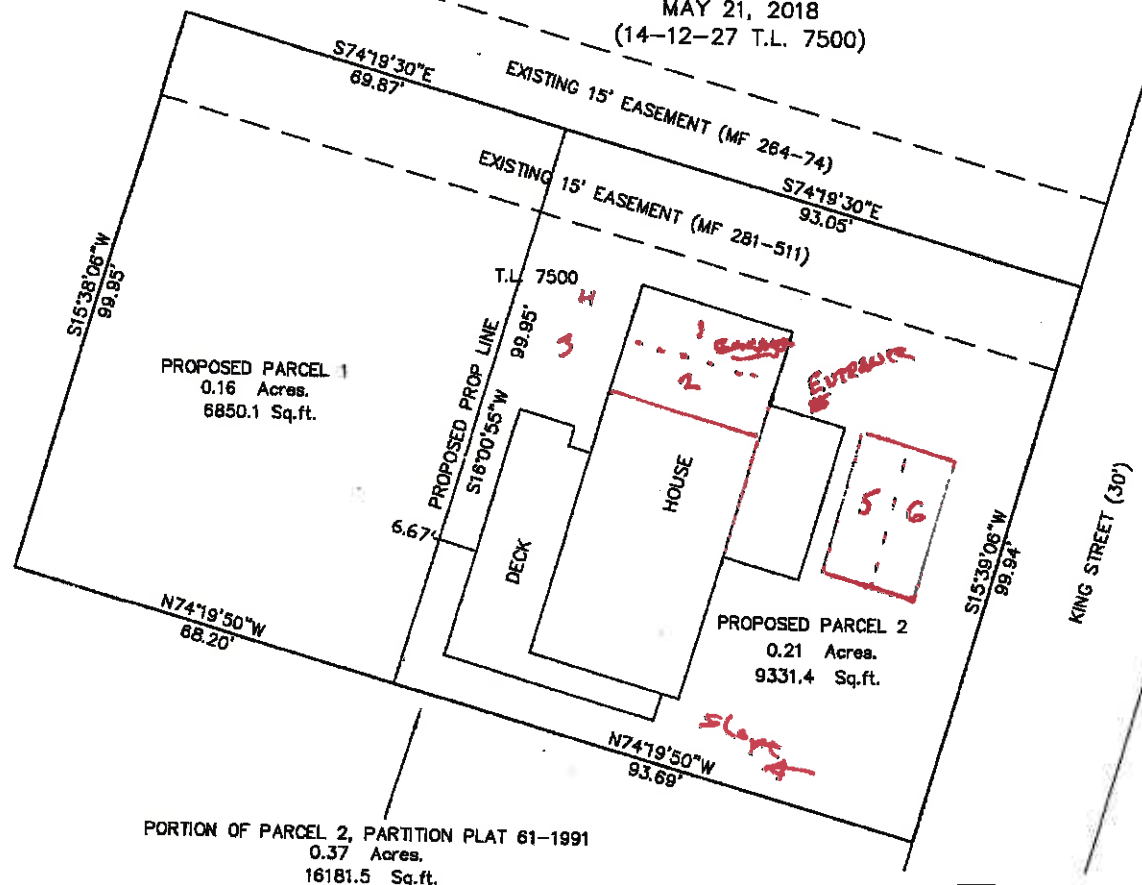
At the May 15, 2018 Planning Commission public hearing on Case File #1-PAR-PC-18 testimony called attention to the existing structure on the property being a duplex. The Planning Commission continued the public hearing to the June 19th meeting in order to evaluate the request based on the existing structure being a duplex versus a single family dwelling.

The two primary standards are the proposed lot size and the parking requirement for a duplex.

The minimum lot size for a duplex in the R-3 Residential Zone is 7,500 square feet. The proposed lot (Parcel 2) totals 9,331.4 square feet.

A duplex requires at least four (4) parking spaces. The site plan provided by the applicant shows six (6) on-site parking spaces including two garage spaces, two driveway spaces by the garage, and two driveway spaces on the northeast side of the house. (see the attached site plan, aerial photograph and two photographs provided by the applicant.

PROPOSED PARTITION PLAT PREPARED FOR NICHOLAS ALEXANDER
 A RE-PLAT OF A PORTION OF PARCEL 2, PARTITION PLAT 61-1991
 LOCATED IN THE NE 1/4 OF SECTION 27, T. 14 S, R. 11 W, W.M.
 LINCOLN COUNTY, OREGON
 MAY 21, 2018
 (14-12-27 T.L. 7500)



PORTION OF PARCEL 2, PARTITION PLAT 61-1991
 0.37 Acres.
 16181.5 Sq.ft.



NYHUS SURVEYING INC.



-GARY NYHUS-
 PROFESSIONAL LAND SURVEYOR

P.O. BOX 206

740 E. THISSELL RD. TIDEWATER, ORE 97390

(541) 528-3234

CHECKED BY: GKN

DRAWN BY: EGN

DATE: 5-21-2018

SCALE: 1" = 20'

PROJECT: 18027

1109 Kings St. Parking Spaces



Printed 05/23/2018

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There is an existing oversized 2 car garage with 2 concrete parking space outside garage. Also to the east of main entrance is space for 2-3 additional cars. *





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.

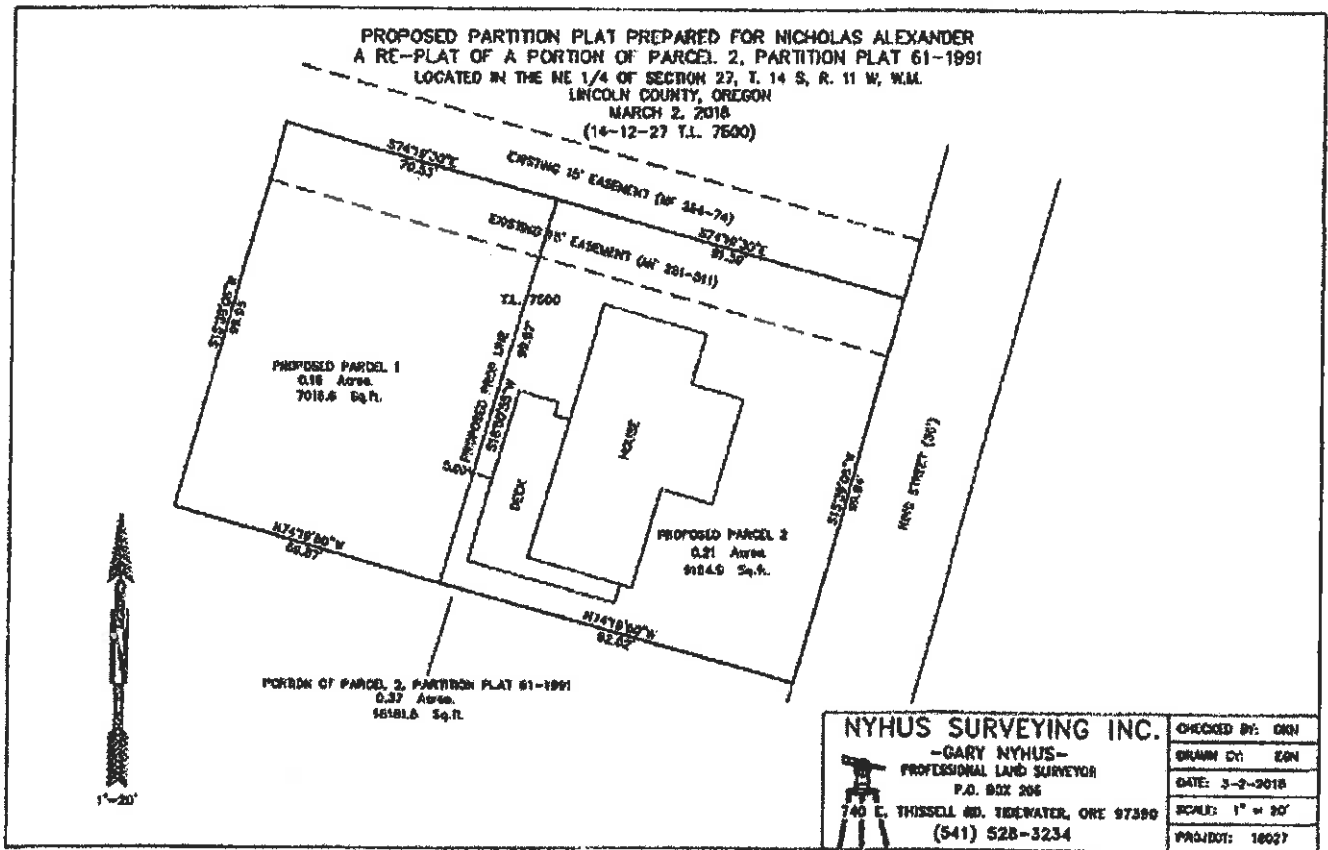


3. Zoning: Residential Zone R-3
4. Plan Designation: Residential
5. Lot Size: The existing lot totals approximately 16,181 square feet.
6. Existing Structures: One single family dwelling.

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.

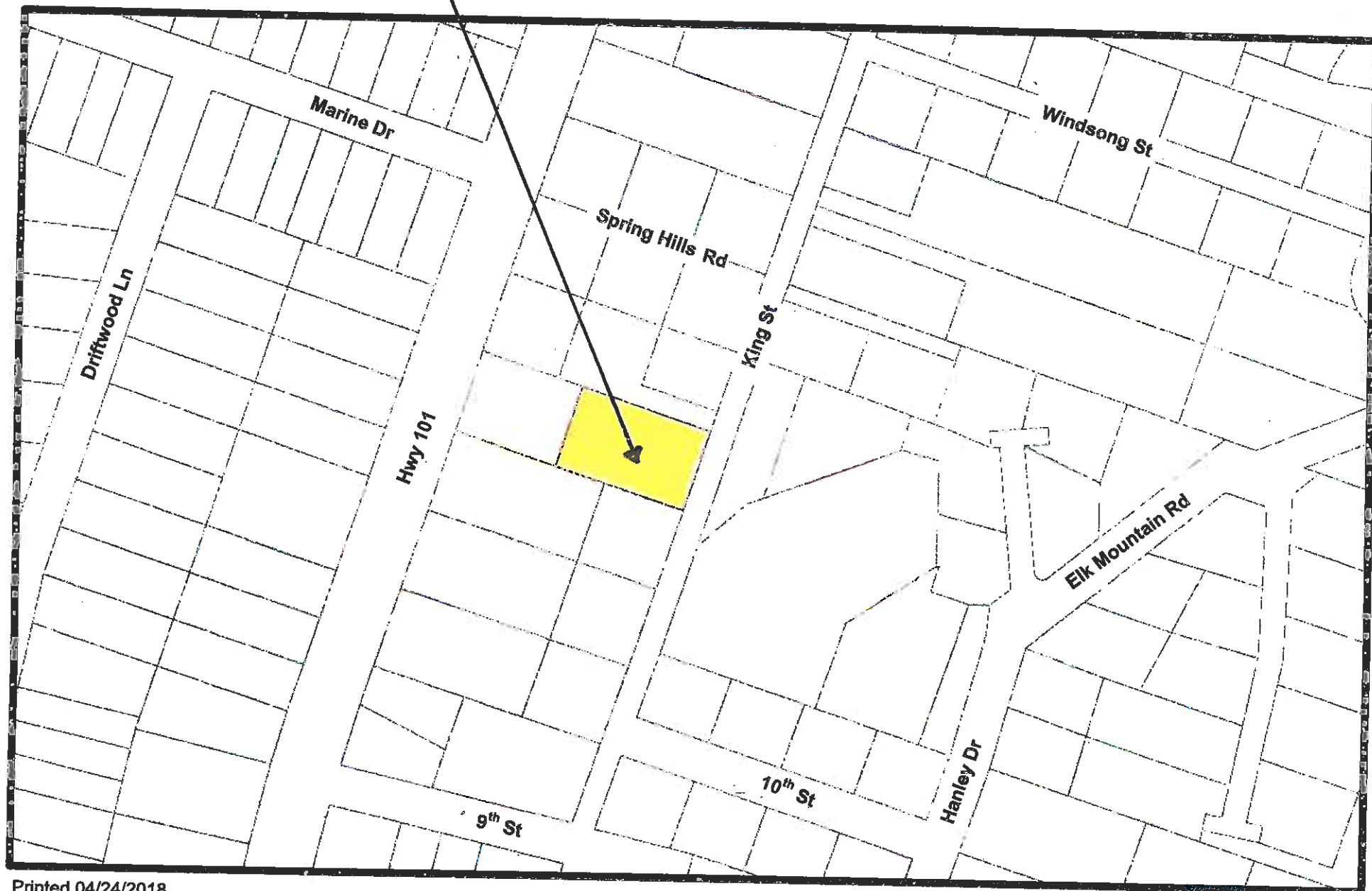
2. Parcel 1 shall have access and utility easements across the northerly 15 feet of Parcel 2 and across the southerly 15 feet of the adjacent lot to the north. The easements shall be shown on the partition plat.
3. Parcel 2 shall maintain the 15 foot wide easement for access and utilities across the 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

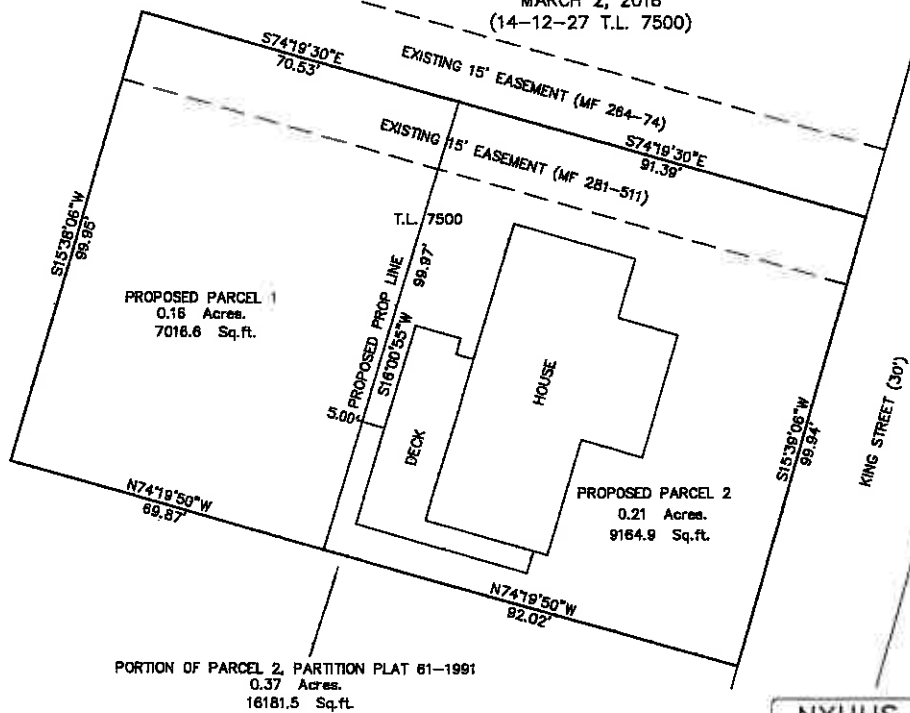


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PROPOSED PARTITION PLAT PREPARED FOR NICHOLAS ALEXANDER
 A RE-PLAT OF A PORTION OF PARCEL 2, PARTITION PLAT 61-1991
 LOCATED IN THE NE 1/4 OF SECTION 27, T. 14 S, R. 11 W, W.M.
 LINCOLN COUNTY, OREGON
 MARCH 2, 2018
 (14-12-27 T.L. 7500)



NYHUS SURVEYING INC.



-GARY NYHUS-
 PROFESSIONAL LAND SURVEYOR
 P.O. BOX 206
 740 E. THISSELL RD. TIDEWATER, ORE 97390
 (541) 528-3234

CHECKED BY: GKN
DRAWN BY: EDN
DATE: 3-2-2018
SCALE: 1" = 20'
PROJECT: 18027

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 Hachats
441 N Highway 101
Hachats, 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 1103 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 Hachats. However, we abided the rules and did not build two homes. The increased density will harm the charm of Hachats, will increase traffic, will increase interface with wild life, 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 house. While it seems that development is hard to blunt, and its costs are great, we must adhere to the laws put in place to mitigate those costs. The charm and character of Spokane are at stake. We recognize the strain our home put on the City, by dividing 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 subdividing a lot places a greater burden beyond what was originally planned. Mr Alexander has a right to hold on his land. I hope the City will hold him to the original compact.

Sincerely,

Mike Fox —
Peter Sacramento

CASE FILE: 1-VAR-PC-18
DATE FILED: May 10, 2018
DATE APPLICATION DEEMED COMPLETE: May 30, 2018
120-DAY COMPLETION DATE: Sep. 27, 2018
PLANNING COMMISSION HEARING DATE: Jun. 19, 2018
PREVIOUS ACTION: None

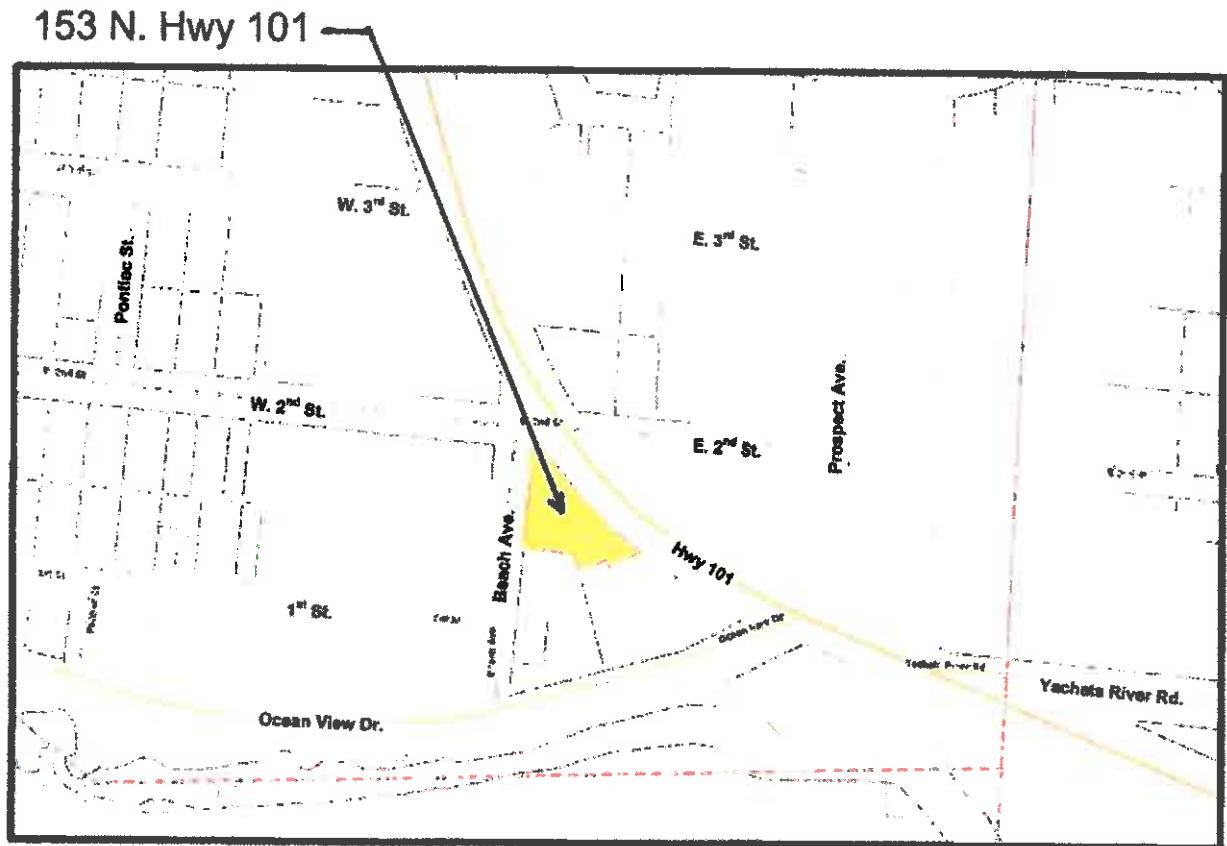
STAFF REPORT

Variance Application

APPLICANT: Robert Anthony

A. REPORT OF FACTS

1. Property Location: The subject site is located at 153 N. Hwy 101, and described on the Lincoln County Assessor's Map as 14-12-27DA, Tax Lot 4400.



2. Applicant's Request: The applicant is requesting a variance to the required number of parking spaces in order to construct a 400 square foot permanent structure for outdoor dining.
3. Zoning: Retail Commercial Zone C-1
4. Plan Designation: Commercial
5. Lot Size and Configuration: The lot totals approximately 9,000 square feet.

6. Existing Structures: One commercial building.
7. Topography and Vegetation: The lot generally slopes downward from east to west with no significant vegetation.
8. Surrounding Land Use: Surrounding land uses primarily consists of commercial uses.
9. Utilities: Existing utilities include city water and sanitary sewer services.
10. Development Constraints: None identified.

B. EVALUATION OF REQUEST

1. Yachats Zoning & Land Use Code Relevant Criteria:

a. **Chapter 9.28 C-1 Retail Commercial Zone** (Criteria relevant to this application)

Section 9.28.010 Permitted uses.

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

- C. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments;
- D. Personal or business service establishment such as barber or beauty shop, tailor shop or similar establishment;
- M. Restaurant, bar or tavern;

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

Section 9.48.010 General Requirements

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

- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
- 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.
- H. Perpendicular or diagonal parking spaces for commercial uses that are located along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half feet from the property line.
- K. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this title may

be used for loading and unloading operations during periods of the day when not required to take care of parking needs.

L. Off-street parking space requirements:

9. Retail store: one space for each two hundred (200) square feet of floor area.
10. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture: one space for each six hundred (600) square feet of floor area.
13. Eating and drinking establishments: one space for each one hundred (100) square feet of total floor area.

c. **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 building permit application with site plan, and a narrative describing the reason for the request, a description of the request, and additional information.

Variance Application
Gary Church: Property Owner,
Yachats Plaza
542-547-4913
Robert Anthony: Applicant
Proprietor; Luna Sea Fish House
541-961-1314

May 10, 2018

Reason for Request: Tourism is Yachats bread and butter; for both the business and the Cities bottom line. In order for this to continue, the tourists must have a pleasant experience while in town. They will return again and also recommend our City when that experience is a pleasant one. The Luna Sea Fish House rings a bell for those looking for locally caught (by the owner), sometimes same day fresh seafood. As a result the Luna Sea attracts and serves thousands during the year. Some, however, have had a less than optimum experience; in part due to lack of indoor seating. An outdoor seating area (a tent) was established to try and accommodate all of them. That helped and people loved the outdoor "atmosphere", but the tent was badly damaged several times by this same "atmospheric pressure". It often leaked when it then rained and wind continued to tear at it; sometimes just as dinner was served. The tent had to be repaired several times and though it stood its ground valiantly, it eventually left the battle ground in shreds. That tent has been laid to rest. A new tent now stands in its place. The new tent has already suffered wind damage and been reinforced and repaired. In the future we want to assure that our guests will have an enjoyable experience.

Our request is to build a permanent "outdoor garden dining area" to better shelter our guests from the elements, while still preserving the outdoor feeling that the tent had provided (see plans). This will add 400 Sq. feet of serving area. I was told by the city planner that this would require the addition of 4 new off street parking places.

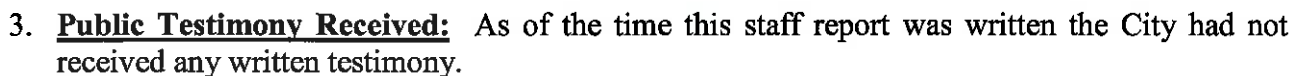
Considering that after the 101 compliance road work was completed, Luna Sea's parking lot was then reconfigured to make maximum use of the remaining available parking area. Their gas tank, rubbish and recycling containers take up a large area on the lot. Walkways to access the basement storage and walkways needed to allow pedestrian access to the restaurant and the other businesses from Beach Street take up additional space on the property. This leaves very little usable space; none of what remains is suitable for vehicle access or maneuvering. Without a variance from the required additional 4 parking places the business will loose tourists and the city will loose the tax dollars that would follow. It has already been shown the business is there, and tourists are very much drawn to the outdoor setting. Our goal is that they will stay and that this added "outdoor garden dining area" will provide them with an opportunity to have an optimum experience while here in town.

Please note; When ODOT upgraded Hwy.101 with side walks, curbs and bike lanes, street lights, crosswalks and our one warning signal, the most problematic area of those plans was the area of the Yachats Plaza. Although the finished product turned out to be beautiful, all 4 businesses in the Yachats Plaza lost parking. Three of those businesses now have no off-street parking at all. When the Luna Sea was done reworking and improving their parking lot, they found they had lost three parking places. Hence, the parking variance is needed in order to fully utilize this (proven) potential business.

Thank you,

Robert Anthony

BL 2ND STREET



1. **The Request.** The applicant is requesting a variance to the required number of parking spaces in order to construct a 400 square foot structure for permanent outdoor dining.

2. **Parking Standards.** The table below identifies parking spaces standards, and the existing and proposed land uses and parking space requirements.

Land Use	Parking Space Standard	Required Parking (Existing & Proposed)	Existing On-Site Parking	Proposed On-Site Parking
Retail	1 parking space per 200 square feet	630 SF/200 = 3.15		
Eating/Drinking Establishment	1 parking space per 100 square feet	1135 SF/100 = 11.35		
Total		14.50	10 parking spaces	10 parking spaces

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 a staff analysis.

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

STAFF ANALYSIS: Prior to the Hwy 101 project Yachats Plaza had 15 parking spaces including some parking spaces along the Hwy 101 frontage that were partially on site and partially on the Hwy 101 right-of-way. Fifteen (15) parking spaces were required for the three retail businesses and the restaurant including the temporary outdoor tent seating area.

Following the Hwy 101 project Yachats Plaza has 10 parking spaces. Luna Sea Fish House proposes to replace the temporary tent with a permanent structure to continue to have 400 square feet of outdoor covered seating.

Yachats Plaza had the required number of parking spaces prior to the Hwy 101 improvement project, albeit some of those parking spaces were partially on-site and partially in the highway right-of-way. Yachats Plaza is requesting the parking variance to maintain the same uses and square footage that currently exists. The building permit application for a new permanent structure triggers the evaluation of parking.

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

STAFF ANALYSIS: The parking variance allows Yachats Plaza to maintain existing land uses and square footage.

Yachats Plaza had the greatest adverse parking impact of any property along the Hwy 101 project frontage.

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

STAFF ANALYSIS: The variance is not any more detrimental to property in the zone than has existed over the past few years.

Additional on-street parking spaces were constructed adjacent and close to the subject property at or near the time the highway improvements were constructed. On Beach Street, directly behind Yachats Plaza, 5 parallel parking spaces were redesigned to have 10 diagonal parking spaces. On 1st street, on the south side of the Post Office, 5 parallel parking spaces were also redesigned to have 10 diagonal parking spaces.

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

STAFF ANALYSIS: The request is the minimum in that the applicant is not requesting additional land uses or square footage than currently exists.

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

STAFF ANALYSIS: The request does not arise from a violation of the zoning ordinance. The current parking shortage is not a result of property owner or tenant action.

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:

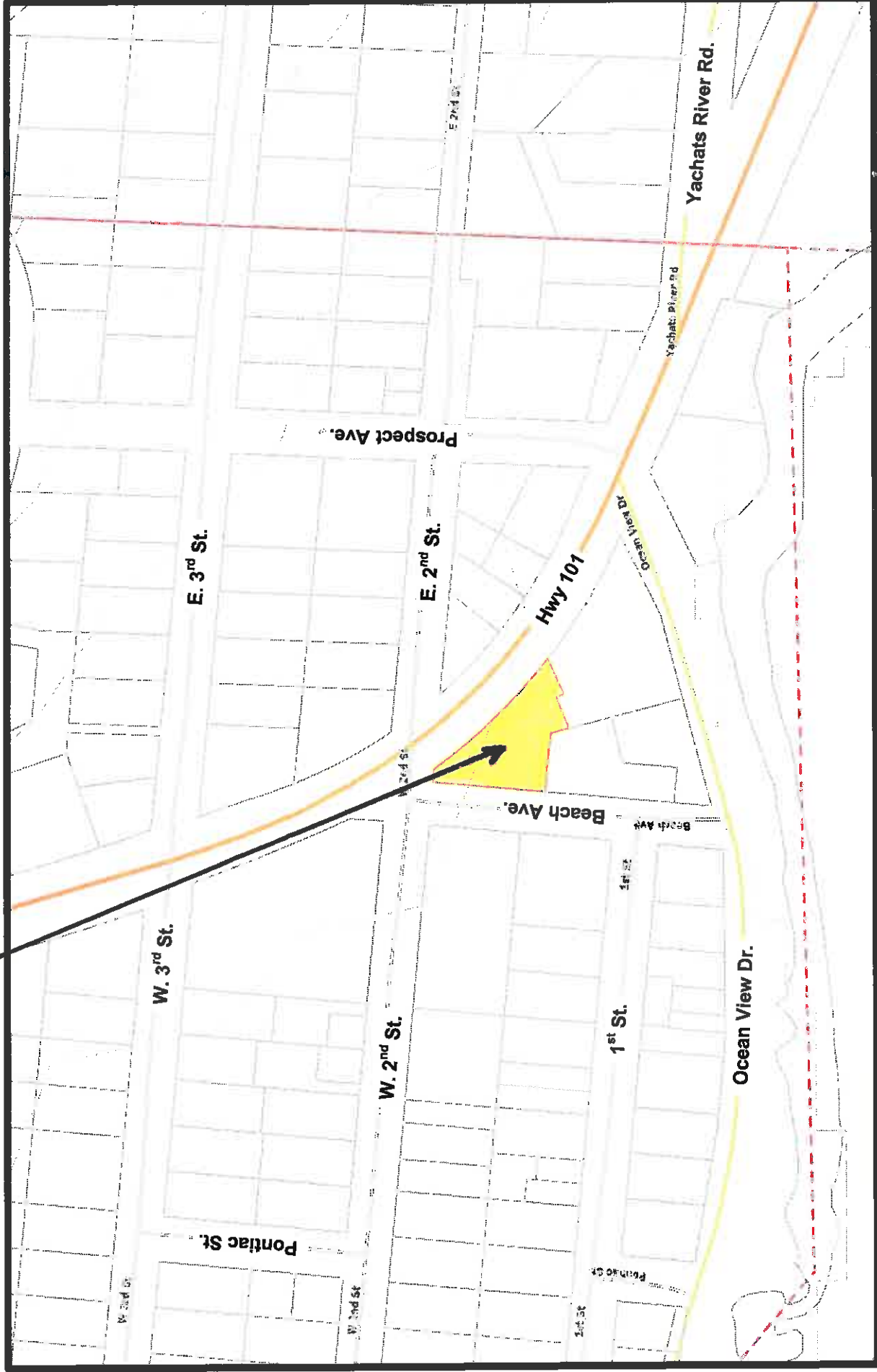
1. Development shall be in accordance with the proposed plan including construction of a proposed outdoor dining structure not to exceed 400 square feet.
2. The ten existing on-site parking spaces shall be maintained.
3. Any future expansion or change of use will require evaluation of parking requirements.

Submitted by,

Larry Lewis
City Planner

Enclosures: Vicinity Map
Aerial Photograph
Site Plan
Applicant Narrative

153 N. Hwy 101



Printed 05/29/2018

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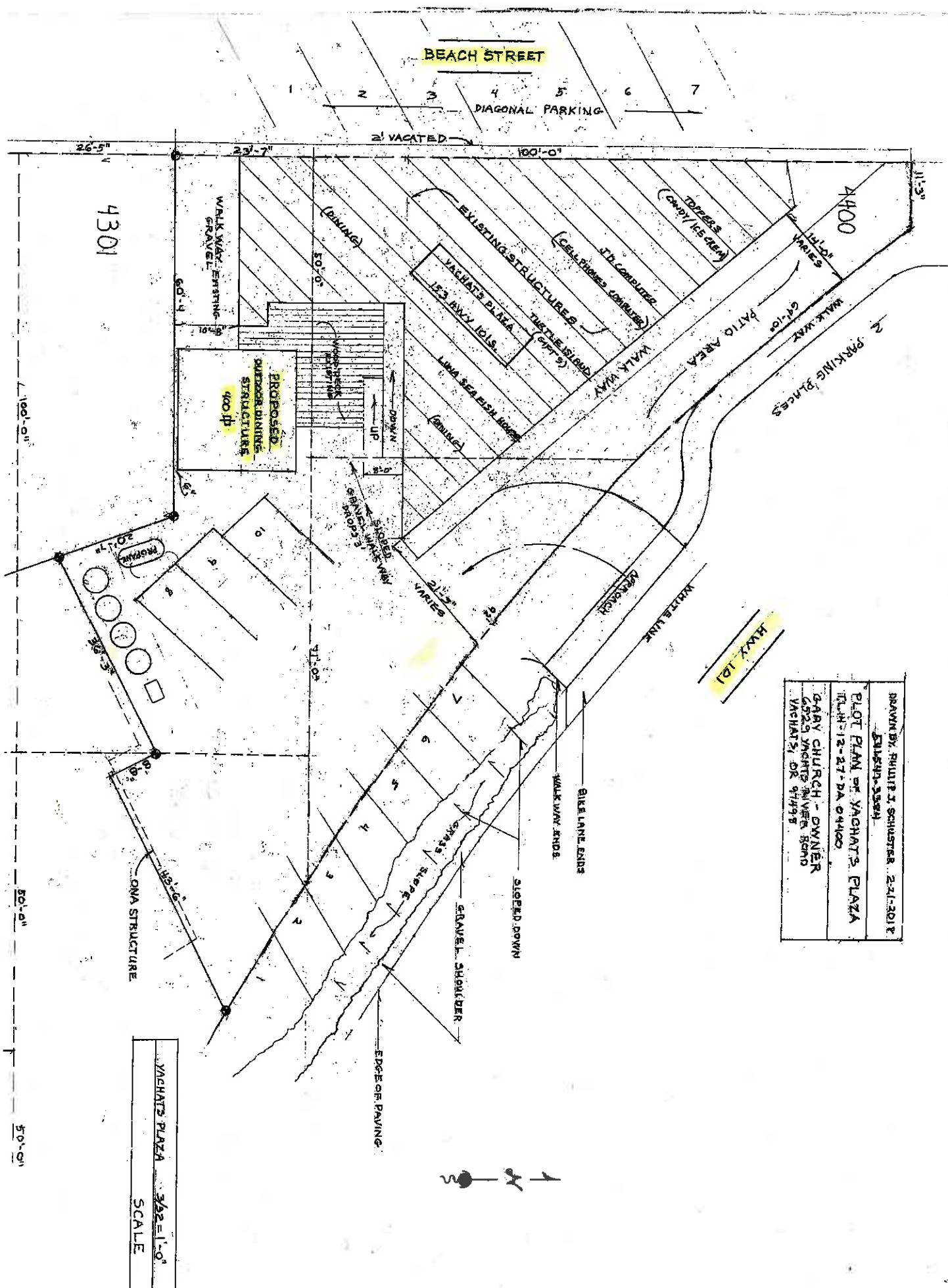




Printed 06/05/2018

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Variance Application

May 10, 2018

**Gary Church: Property Owner,
Yachats Plaza
542-547-4913**

**Robert Anthony: Applicant
Proprietor; Luna Sea Fish House
541-961-1314**

Reason for Request: Tourism is Yachats bread and butter; for both the business and the Cities bottom line. In order for this to continue, the tourists must have a pleasant experience while in town. They will return again and also recommend our City when that experience is a pleasant one. The Luna Sea Fish House rings a bell for those looking for locally caught (by the owner), sometimes same day fresh seafood. As a result the Luna Sea attracts and serves thousands during the year. Some, however, have had a less than optimum experience; in part due to lack of indoor seating. An outdoor seating area (a tent) was established to try and accommodate all of them. That helped and people loved the outdoor "atmosphere", but the tent was badly damaged several times by this same "atmospheric pressure". It often leaked when it then rained and wind continued to tear at it; sometimes just as dinner was served. The tent had to be repaired several times and though it stood its ground valiantly, it eventually left the battle ground in shreds. That tent has been laid to rest. A new tent now stands in its place. The new tent has already suffered wind damage and been reinforced and repaired. In the future we want to assure that our guests will have an enjoyable experience.

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Considering that after the 101 compliance road work was completed, Luna Sea's parking lot was then reconfigured to make maximum use of the remaining available parking area. Their gas tank, rubbish and recycling containers take up a large area on the lot. Walkways to access the basement storage and walkways needed to allow pedestrian access to the restaurant and the other businesses from Beach Street take up additional space on the property. This leaves very little usable space; none of what remains is suitable for vehicle access or maneuvering. Without a variance from the required additional 4 parking places the business will loose tourists and the city will loose the tax dollars that would follow. It has already been shown the business is there, and tourists are very much drawn to the outdoor setting. Our goal is that they will stay and that this added "outdoor garden dining area" will provide them with an opportunity to have an optimum experience while here in town.

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Thank you,

Robert Anthony

YACHATS PLANNING COMMISSION

May 15, 2018

Draft Minutes

Chair Helen Anderson called the May 15, 2018 meeting of the Yachats Planning Commission to order at 3:03 pm in the Room 1 of the Yachats Commons. Members present: Ron Urban, Helen Anderson, Ginny Hafner, Mary Ellen O'Shaughnessey, Shelly Shrock, and James Kerti. Absent: Christine Orchard. Staff present: City Planner Larry Lewis. Audience: 3.

I. Announcements and Correspondence - none

II. Minutes

A. April 17, 2018 Work Session Meeting

Page 1, Line 15: change "sings" to "signs"

Commissioner Urban moved to approve the April 17, 2018 Planning Commission work session minutes as amended: Aye - 6; No - 0.

B. April 17, 2018 Regular Meeting

Page 1, Lines 43-44: change "building had begun on the site" to "building had begun on the South Tank site"

Page 2, Lines 23-24: change "ask her about issues being addressed at the Planning Commission." to "ask her about potential issues that might be addressed at the Planning Commission meeting."

Page 2, Line 46: change "consequences on" to "consequences of"

Commissioner O'Shaughnessey moved to approve the April 17, 2018 Planning Commission meeting minutes as amended: Aye 6; No - 0.

III. Citizen's Concerns

Jacqueline Danos (116 Spring Hill) indicated she has reviewed the building code and made comments on the issues she thought needed addressing. She provided a handout of her comments.

IV. Public Hearing

A. Case File #1-PAR-PC-18 Lot Partition Application – Nicholas Alexander

Anderson opened the Public Hearing on file #1-PAR-PC-18 and recorded

1. No person objected to the jurisdiction of the Planning Commission to hear this case
2. No Commissioner wished to abstain because of conflict of interest or concern for impartiality

3. All Commissioners declared ex parte contact in having visited the site (individually)

4. The Commission had been given all testimony submitted to date

5. Commissioners believed they have had adequate time to review the application

Planner Lewis summarized the Public Hearing process. Lewis summarized the application and relevant City Code as presented in his Staff Report. Lewis indicated the resulting subplots met code requirements. Lewis noted that a minor change was made to the west setback to Parcel 2 was adjusted so that the west setback met the required setback for the deck. Lewis noted the access for the property is through two fifteen (15) feet easements on the existing property and the property to the north to meet the 30-foot width for an access road. These easements provide adequate access to Parcel 1. Lewis also noted that the existing driveway on Parcel 2 would cut

1 across a section of Parcel 2; therefore, both parcels would need easements from each other to
2 share a driveway access point.

3
4 Lewis noted there was one letter of opposition to the participation, and that letter was included in
5 the Staff Report packet.

6
7 Lewis highlight the four recommendations should the Planning Commission decide to move
8 forward with the application:

- 9 1. Language on conducting the lot surveys and submitting updated plats.
- 10 2. Language to declare that Parcel 1 shall have access and utility easements across the 15-
11 foot easement of Parcel 2 and across the 15-foot easement of the adjacent northerly
12 property.
- 13 3. Language to require the continuation of the fifteen (15) foot easement and to note that
14 easement on the adjusted plats.
- 15 4. Language to establish easements if access to either parcel encroaches upon the other
16 and to show that easement on the adjusted plats.

17
18 Shrock asked Lewis for clarification of the two 15-foot easements. Lewis indicated legal access
19 from the easement across the northern property would be established in the platting process.

20
21 Hafner clarified that the original property line adjustment to meet 6-feet 8-inch setback required for
22 the 20-foot high deck, which mean the original 5-foot setback was changed to 6-feet 8-inches.

23
24 Hafner clarified that the maximum 12 dwelling units per acre is a stipulation for the R-3 zones.

25
26 Anderson opened to the Public Input portion of the hearing. There was no representative of the
27 applicant at the hearing.

28
29 Leslie Vaaler (205 Radar Rd) asserted the property is currently for sale by Coastal Realty and the
30 MLS indicates the property is a duplex. She noted the advertisement for the property states the
31 basement is a "legal duplex." She also noted the listing indicates the lot is .2 acres, rather than the
32 current .37 acres indicated on the Lincoln County Assessor's Office website, potentially implying
33 the lot partition has already been approved. Vaaler had concerns about increasing the traffic on
34 King Street, which is very narrow.

35
36 Jacqueline Danos indicated she agreed with Vaaler about negative consequences of adding
37 density to the area, noting there are other lots in that area available for development.

38
39 With no further persons wishing to provide testimony, Anderson closed the Public Input portion of
40 the hearing.

41
42 Anderson noted that a duplex would require 6,000 square feet for the first unit and 2,500 for the
43 second unit, or 8,500 total square feet of lot size. Lewis clarified that a duplex only requires 7,500
44 square feet of lot size (the 6,000/2,500 amounts apply to multi-family units).

45
46 Hafner requested clarification on which parcel was listed for sale. Danos indicated the real estate
47 ad indicated the real estate sale is for what would be Parcel 2 only. Kerti noted that the website
48 listing the property had been updated that day, and clearly indicated the home was a duplex.

49
50 Commissioners noted the application indicated the partition was for a single family home. Lewis
51 noted that the original paper application does not specifically ask about house type or required
52 parking spaces. Lewis noted he assumed it was a single family home.

1
2 Anderson asserted that, given lack of specificity on the application, the hearing be continued to a
3 later date when the Commission has accurate information about the house and parking
4 requirements.

5
6 Shrock suggested that whether the home was a single family home or a duplex, the requirements
7 for a partition are still met. Anderson noted that four parking spaces would be required for a
8 duplex, and the Commission does not have that information at present.
9

10 Commissioners were concerned about potential deception in the application. Hafner wanted to
11 request that a representative be at the continued hearing.
12

13 Shrock moved to continue the hearing on case file #1-PAR-PC-18 to June 19, 2018 at 3:00 pm
14 with a representative of the applicant present: Aye – 5; No – 0.
15

16 **V. Planner's Report**

17 Lewis summarized his Planner's Report in the meeting packet.
18

19 Lewis reported he met with the Lincoln County Building official and the architect representing
20 Nathan Barnard (Farm Store) on getting proper permits. Lewis noted the architect appeared to
21 have an understanding of the permitting and building code requirements. Barnard and the
22 architect indicated they would have a plan to proceed within three months. Lewis indicated that
23 because the property is non-residential, the plan would have to go a commercial building
24 contractor in Eugene who assesses commercial properties.
25

26 **V. Other Business**

27 **A. From the Commission**

28
29 Anderson reported Councilor Glenn attended an affordable housing meeting in Newport where he
30 received a list of suggestions for encouraging the creation of affordable housing. Glenn wanted
31 the Planning Commission to assess what is possible within the Yachats Municipal Code.

32 Anderson explained that accessory dwelling units (ADUs) are the current popular approach, but
33 that in Portland, ADUs were being occupied by the property owner and the main house being
34 turned into a vacation rental.
35

36 Lewis noted he recently received notice of new legislation that requires cities over 2,500 people to
37 allow at least one ADU per property in R-1 zones. Lewis indicated he would provide the
38 information in the next meeting packet.
39

40 Kerti raised the possibility of allowing ADUs in Yachats given there is now a cap on vacation
41 rentals. Lewis noted he had seen code that requires the owner reside in one of the property's
42 dwelling units.
43

44 Anderson reported she sent ask the City Manager to ask the City Attorney if business licenses
45 could require a Certificate of Occupancy, which can only be obtained if they had required permits.
46

47 Anderson indicated she asked the City Manger about maintaining a tracking system of the
48 Commission's work online through a file-sharing site such as Google docs. Beaucaire did not see
49 a problem with this approach as long as the system was made public. Hafner did not want to
50 participate in an online tracking system. Kerti indicated he had some concern with conducting
51 business with a Google system. Hafner had concerns about whether working with an interactive
52 online document would constitute public meeting.

1
2 Urban stressed the importance of reviewing the Comp Plan at the next Planning Commission work
3 session.

4
5 **B. From Staff - none**

6
7 Lewis indicated he could submit the Comp Plan and Light Industrial code updates to OLCD as long
8 as the Commission works from the draft that was submitted to OLCD at the hearing. Lewis added
9 that Danos' report contained language that the Commission might want to consider for the Comp
10 Plan.

11
12 Anderson adjourned the meeting at 4:12 pm.
13
14
15

16
17 _____
18 Helen Anderson, Chair

16
17 _____
18 Date

19 Minutes prepared by H H Anderson on June 7, 2018.
20

YACHATS PLANNING COMMISSION

May 15, 2018

Work Session Draft 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." 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 adverted 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, it 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:

1
2 "Abandoned non-conforming signs shall be removed in their entirety within thirty (30) days
3 of closure."
4

5 Lewis noted with weed abatement, the City sends a letter stipulating the need to address the
6 problem and indicates the owner will be billed if they do not address the matter. O'Shaughnessey
7 suggested greater clarity is needed in the statement regarding the removal at owner's expense
8 with respect to 9.88.170, "Any person violating or causing the violation of any provisions within this
9 title shall be deemed to have committed a Class A civil infraction, such infraction to be processed
10 in accord with the procedures set forth in Chapter 1.12 which governs all civil infractions." Kerti
11 supported O'Shaughnessey's suggestion to add clarity to the consequences.
12

13 Anderson read the language with respect to weed abatement: Any actual costs incurred by the
14 City in enforcing this section, including, but not limited to, summary or other abatement costs
15 pursuant to subsections B and G of this section, shall become a lien against the property and
16 perfected and recorded as such according to state law (section 5.08.110(J)).
17

18 Commissioners agreed to add a section 9.44.100 to include the language used above for the weed
19 abatement section.
20

21 Kerti asked if a definition of "abandoned signs" was needed. O'Shaughnessey noted there is
22 language for when businesses have been "discontinued or completed." Commissioners agreed to
23 add the definition of abandoned signs to the definition section.
24

25 9.44.090 Variances: Urban summarized that the Commission can work to adjust appeals to allow
26 for reasonable requests. Lewis commented that getting a variance for a sign presents a greater
27 challenge than getting variances for other land use hardships.
28

29 Anderson noted that the City wants the Code Enforcer to be more proactive in getting vacation
30 rentals to have property management company signage closer to the street as required in the
31 Code. She noted that there are situations where people have complaints but do not want to go to
32 the front door to get information, and the Code Enforcement side wants contact information
33 readable from the street.
34

35 Anderson reported that a City Planner from another jurisdiction explained that while language to
36 address trespass lighting could be added, problems arise in the measurement of trespass lighting if
37 other light sources are in the area. Language in the sign section would require isolating the light
38 from just that sign, whereas added language to the lighting requirements section of the code would
39 eliminate the need to parcel out the sources of light. Anderson suggested that regulating the
40 trespass lighting issue would be much more effectively and efficiently handled in Section 5.08 of
41 the Code.
42

43 Anderson also reported the planner indicated the electric code stipulated lighting standards for
44 internally lit signs, and the likelihood of those types of signs causing significant trespass lighting is
45 low. She suggested this light source would be covered in the same measure used for trespass
46 light.
47

48 Commissioners discussed next steps to set the Public Hearing on the sign code. Lewis indicated
49 he would get the draft to the City Attorney and to OLCD. The draft of the Light Industrial code
50 section could be added to this hearing.
51

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

4
5 Urban adjourned the work session at 2:56 pm.
6
7
8
9

10 _____
11 Ron Urban, Vice-Chair

_____ Date

12 Minutes prepared by H H Anderson on June 7, 2018.
13

DRAFT

**GUIDANCE ON IMPLEMENTING
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT
UNDER OREGON SENATE BILL 1051**



*M. Klepinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)*

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

MARCH 2018



**Oregon Department of
Land Conservation
and Development**

Introduction

As housing prices in Oregon go up, outpacing employment and wage growth, the availability of affordable housing is decreasing in cities throughout the state. While Oregon's population continues to expand, the supply of housing, already impacted by less building during the recession, has not kept up. To address the lack of housing supply, House Speaker Tina Kotek introduced House Bill 2007 during the 2017 legislative session to, as she stated, "remove barriers to development." Through the legislative process, legislators placed much of the content of House Bill 2007 into Senate Bill 1051, which then passed, and was signed into law by Governor Brown on August 15, 2017. In addition, a scrivener's error¹ was corrected through the passage of HB 4031 in 2018.

Among the provisions of SB 1051 and HB 4031 is the requirement that cities and counties of a certain population allow accessory dwelling units (ADUs) as described below:

- a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas within the urban growth boundary that are zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.*
- b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.*

This new requirement becomes effective on July 1, 2018 and subject cities and counties must accept applications for ADUs inside urban growth boundaries (UGBs) starting July 1, 2018. Many local governments in Oregon already have ADU regulations that meet the requirements of SB 1051, however, some do not. Still others have regulations that, given the overall legislative direction to encourage the construction of ADUs to meet the housing needs of Oregon's cities, are not "reasonable." The Oregon Department of Land Conservation and Development (DLCD) is issuing this guidance and model code language to help local governments comply with the legislation. The model code language is included on its own page at the end of this document.

¹ The scrivener's error in SB 1051 removed the words "within the urban growth boundary." HB 4031 added the words into statute and thus limited the siting of ADUs to within UGBs.

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

The law requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn’t meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like “compatible” or “character.” With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

ADU would have been of superior quality to those of the primary dwelling, had they been allowed.

Parking

Requiring off-street parking is one of the biggest barriers to developing ADUs and it is recommended that jurisdictions not include an off-street parking requirement in their ADU standards. Adding off-street parking on many properties, especially in older centrally-located areas where more housing should be encouraged, is often either very expensive or physically impossible. In addition, when adding an additional off-street parking space requires a new or widened curb cut, it removes existing on-street parking, resulting in no net gain of parking supply. As an alternative to requiring off-street parking for ADUs, local governments can implement a residential parking district if there is an on-street parking supply shortage. For more help on parking issues, visit www.oregon.gov/lcd/tgm/pages/parking.aspx or contact DLCD.

Owner Occupancy

Owner-occupancy requirements, in which the property owner is required to live on the property in either the primary or accessory dwelling unit, are difficult to enforce and not recommended. They may be a barrier to property owners constructing ADUs, but will more likely simply be ignored and constitute an on-going enforcement headache for local governments.

Public Utilities

Development codes that require ADUs to have separate sewer and water connections create barriers to building ADUs. In some cases, a property owner may want to provide separate connections, but in other cases doing so may be prohibitively expensive.

System Development Charges (SDCs)

While SDCs are not part of the development code and SB 1051 does not require them to be updated, local governments should consider revising their SDCs to match the true impact of ADUs in order to remove barriers to their development. ADUs are generally able to house fewer people than average single-family dwellings, so their fiscal impact would be expected to be less than a single-family dwelling. Accordingly, it makes sense that they should be charged lower SDCs than primary detached single-family dwellings.

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Accessory Dwellings (model code)

Note: ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone within an urban growth boundary that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon's housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure[, pursuant to Section _____,] and shall conform to all of the following standards:

- [A. One Unit.** *A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*
- A. Two Units.** *A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

B. Floor Area.

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller.
2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

C. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

City Of Yachats
Comprehensive Land Use Plan

Adopted by City Council vote – _____, 2018
And Memorized by Ordinance _____, _____, 2018

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Attached:

- Plan Inventory
- Existing Planned Unit Developments In Yachats Approved Exceptions To The Yachats Comprehensive Plan And Yachats Zoning & Land Use Ordinance
- Summary from All Surveys – Graphs with Legend

I. Introduction and Purpose

In 1973, the State Legislature passed Senate Bill 100 (ORS 197) which established certain statewide requirements for land use planning. Each city and county in the state is required, under the statute, to prepare and adopt comprehensive plans consistent with the statewide planning goals approved by the Land Conservation and Development Commission. In response to this law, the City of Yachats has prepared this plan.

The Land Conservation and Development Commission initially acknowledged the Comprehensive Plan for compliance with the State Planning Goals in 1980. The Plan has been periodically reviewed by the City in coordination with the Department of Land Conservation and Development and updated to ensure that it continues to comply with these goals. The Comprehensive Plan has been drafted to reflect the needs of the residents of Yachats and has been reviewed to ensure consistency with other relevant plans from other jurisdictional agencies.

This 2008 update to the Comprehensive Plan has been developed by a public process that included staff, public, Planning Commission and City Council advisory committee reviews. A variety of public involvement opportunities were used, such as mail-back and a Web-based survey, open house and community discussions.

The City's comprehensive plan is intended to not only address statewide planning goals, but to take into account local land use planning needs and issues and responds to the desires, needs, and aspirations of the citizens of Yachats. The plan, once adopted, will serve as a guide to land use within and immediately adjacent to Yachats. It establishes policies and land use designations (maps) which will be implemented throughout the City's zoning and land use ordinance.

Land use policies procedures and applications shall complement the natural beauty of Yachats' location and its environment, which has led to Yachats' long-standing reputation as "The Gem of the Oregon Coast."

Land use policies, procedures and applications shall acknowledge certain economic characteristics of the City, namely, that retirement and tourism are major industries. Non-polluting commercial, professional and home businesses are also an important part of the economy.

The construction and maintenance of public, commercial, professional and residential buildings, their siting, design materials and landscaping, within reasonable variation,

shall enhance rather than detract from the quiet coastal ambiance of the City as noted above.

The Yachats Comprehensive Plan provides goals, guidelines and standards for decision makers, including City employees and officials, citizens, developers, community groups, and other local, state, regional, and federal agencies. The powers granted by the City through its charter shall be guided constructively by these principles. These principles shall guide the deliberations, interpretations, and judgments of the Council, the Commissions, City agents and employees.

Comprehensive city planning addresses a wide range of topics and issues related to the growth and development of a community. This plan includes background and analytic sections that support recommendations for the protection of natural resources, recreational opportunities, control of urban growth and form, and providing for economic growth, adequate public facilities, housing, transportation and other functions. The plan is comprehensive in scope and its goals and policies are intended to be supportive of one another.

The plan provides the basis for other plans, ordinances, and other implementing documents that set forth more detailed direction regarding specific activities and requirements. All City plans and implementing ordinances must be consistent with the Comprehensive Plan.

The Plan is organized around the Statewide Planning Goals and each chapter corresponds to a specific Statewide Goal. Some goals are not applicable to the City of Yachats and are not included in this plan. Specifically, the following goals are not included: Goal 3 (Agricultural Resources), since there are currently no commercial farming operations within City limits; Goal 4 (Forestry Resources), since there are currently no commercial forestry operations within City limits; and Goal 15 (Willamette Greenway).

II. Plan Organization

Adoption of the policy statements and plan maps included herein will help the City of Yachats to reach the above objectives. This will be possible by using the policies and maps to guide future decisions pertaining to land use in the City.

The Comprehensive Plan is organized around the Statewide Planning Goals and contains background information and findings that support City goals, policies, and recommended action measures.

The goals and policies contained within this plan have the force of law and the City is obligated to adhere to them in implementing the Plan. Additional background information about City goals, policies, and recommended action and implementation measures are articulated herein and within attached appendices.

Goal. A statement indicating a desired end or aspiration including the direction the City will follow to achieve that end. The City's goals must be consistent with the Statewide Planning Goals.

Policy. A statement indicating a definitive course of action to implement City goals. A policy may not be the only action the City can take to implement the goals. The City must follow relevant policies when developing other plans or ordinances that affect land use, such as transportation and public facility plans, zoning, and development standards.

Proposed Actions. A statement outlining a specific City activity, action, project or standard, which if executed, would implement goals and policies. Recommended action measures also refer to courses of action the City desires other jurisdictions to take regarding specific issues, and help define the relationship the City desires to have with other jurisdictions and agencies in implementing the Comprehensive Plan. These statements are guidelines and recommendations to City decision-makers as ways to implement the goals and policies. Completion of projects, adoption of standards, or the creation of certain relationships or agreements with other jurisdictions and agencies will depend on a number of factors such as City priorities, finances, and staff availability.

III. Planning Goals and Policies

In March and April of 2006, the Planning Commission and City Council advisory committee members conducted community discussions on the core values of City residents. In May, the City conducted a mail-back and web-based survey, open to all City and surrounding area residents. The results of that survey, a June open house, subsequent Planning Commission work session, community discussions and public hearings are reflected in this comprehensive plan update.

Goal A. *Protection of Natural Resources*

In conjunction with county, state and federal agencies as well as area residents and landowners, The City shall work to protect and enhance its rich natural, scenic and historic resources. Forests, beaches and water areas, wetlands, air quality, fish and wildlife habitats, historical and archaeological sites, and, in particular, open space and scenic views all contribute to the high quality of the City's environment. These resources are Yachats' main assets in that they make it a beautiful place for people to live in and visit.

Policies

1. The City shall ensure that the quality of air, water and land resources is maintained.
2. The City shall protect significant marine habitats, as identified on the City's adopted Natural Resources map and inventory data, from proposed land uses that will, or might, modify their indigenous characteristics.
3. The City shall preserve existing open space and identify new areas appropriate for designation as open space.
4. The City shall encourage orderly development of land through zoning, land use codes and the timing and placement of public improvements in order to conserve natural resources.
5. The City shall assist the State and County in protecting the County Road 804 right-of-way and the prescriptive easements accepted by the Oregon Supreme Court as established by the Lincoln County Surveyor (Survey 11,905 12/18/87) from alterations that would prevent the establishment and maintenance of this segment of the Oregon Coast Hiking Trail within the public right-of-way.
6. The City shall concur with all pertinent and legally authorized agencies, both federal and state, in a mutual effort to retain the character of those natural qualities identified in the adopted Natural Resources Map and Inventory Data.
7. The City shall consider the quality of the resources areas as shown on the adopted Natural Resources Map and inventory data in adopting land use designations or in undertaking land use actions or decisions.

8. The City shall direct its growth so as not to encroach upon public or commercial forestlands.
9. The City shall protect significant archaeological and historic resources through survey identification, recordation and adoption of preservation codes, consistent with the standards of the State Historic Preservation Office (SHPO), affected tribes and federal laws. Specific sites for protection include, but are not limited to, the Little Log Church, Yachats Middens, Native American villages and other identified recorded or unrecorded archaeological or historic sites.
10. The City shall not support offshore oil and gas development and associated facilities due to potential conflicts with existing ocean fisheries, impacts on aesthetic and recreational values, and degradation of the marine environment. This includes leasing, exploration, and oil and gas extraction within the state territorial sea and federal waters.
11. Established trees contribute to the aesthetic and environmental quality of the City. Significant trees and groves of trees shall be protected through a tree protection ordinance or other voluntary mechanisms to ensure their health and retention.
12. View sheds and corridors are unique characteristics of the City. They contribute to the community identity and aesthetic values of City residents and visitors.
13. The City shall protect streams and creeks.
14. The City shall provide educational material regarding the responsible use of chemicals.

Proposed actions:

- a) The City shall incorporate soil capacity analysis into the land use code for protection of prime forest soils.
- b) The City shall develop a methodology to designate archaeological and historic properties to the City inventories.
- c) The City shall conduct archaeological and historic resource inventories consistent with Goal 5 and the SHPO and rank significant properties for protective measures. Priority sites shall be identified on the City's Natural Resources map or separate archaeological and historic resources map consistent with state law.
- d) The City shall explore actions to preserve trees and establish a tree protection ordinance.
- e) The City shall identify and rank significant view sheds and corridors.
- f) The City shall conduct a City wide urban growth boundary natural resources inventory and assessment.

- g) The City shall research view protection strategies. Those strategies may include, but not be limited to, overlay zones, tree trimming standards, and voluntary deed restrictions.
- h) The City shall explore actions that would improve air quality, such as City wide composting.
- i) The City shall develop an ordinance to protect inland stream and associated riparian areas.

Goal B. *Protection of Estuarine Resources*

In concert with adjacent property owners and relevant government agencies, the City shall protect its estuarine areas from development, dredging and fill. All estuarine areas within Yachats Urban Growth Boundary are classified as a natural management unit, and will be managed to conserve the natural habitats and wildlife therein.

Policies

1. The City shall cooperate with appropriate government agencies in the development of biological, aesthetic, recreational, and economic values and benefits of the Yachats River Estuary, subject to the availability of local funds and the individual commitment of local agencies and residents.
2. The City shall, in recognition of the unique and abundant qualities of the Yachats River estuary, work with Lincoln County and relevant special districts, the Department of State Lands, U.S. Army Corps of Engineers, and other state and federal agencies in the implementation of the comprehensive estuarine management plan for the Yachats River estuary within the Yachats urban growth boundary.
3. The City shall classify the Yachats River as a conservation estuary and be shown on the City's Natural Resource Map for purposes of resource management. All estuarine areas within the Yachats urban growth boundary shall be classified as a natural management unit, and shall be managed to preserve the natural habitats and wildlife therein.
4. The City shall protect the natural habitat areas and aesthetic values in all City decisions regarding land and/or water use actions in or affecting the estuary. The inventory information and the Natural Resources Map are sources of information regarding the aesthetic and natural values of the Yachats River estuary and the benefit derived therefrom to the City.
5. The City shall allow dredging and fill in estuarine areas only:
 - a. If required for navigation or other water dependent uses that require an estuarine location or for a use specifically allowed in the applicable estuary zone;

- b. If a need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights; and
- c. If no feasible alternative upland locations exist; and
- d. If adverse impacts are minimized.

Other uses and activities which could alter the estuary shall be allowed if the requirements in (b), (c), and (d) are met.

- 6. Permitted uses in the natural estuary management unit are intended to be undeveloped low-intensity, water-dependent recreational uses; protection of wildlife and their habitat and nutrients, fish, wildlife and aesthetic resources; research and educational observation; navigation aids; vegetative shoreline stabilization; and passive restoration measures. Uses which are allowed where consistent with the resource capabilities of the area and the purposes of this management unit are active restoration of fish and wildlife habitat or water quality and estuarine enhancement; on-site maintenance and repair of existing structures or facilities; riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values, and public facilities; temporary alterations, and pipelines, cables and utility crossings, including incidental dredging necessary for their installation, and bridge crossing support structures.
- 7. Snag and debris removal for the purpose of maintenance shall be allowed in the estuary as permitted by Federal and State Agencies.
- 8. Unless specifically exempted by the Director of the Department of State Lands under ORS 541.626 dredging or fill (including dredged material disposal) in intertidal or tidal marsh areas shall be mitigated by creation, restoration or enhancement of estuarine areas. The adequacy of a proposed mitigation project shall be determined by the Department of State Lands.
- 9. The City shall require a clear presentation of the impacts of the proposed alteration where a use could potentially alter the estuarine ecosystem.

Proposed Action

The City shall develop the City's Natural Resources Map. The map shall include access points along the shoreline and note the condition of accesses and if they are compliant with the Americans with Disabilities Act (ADA).

Goal C. *Protection of Shoreland Resources*

The City recognizes the environmental, social and economic values of the shorelands. The City shall coordinate with state agencies to protect its coastal shorelands from development through shoreline stabilization activities. Water-dependent/water-related uses are preferred in the shorelands. In order, then, to maintain the environmental, social and economical values of the shorelands, the City shall apply the following policies to its land use actions/ decisions:

Policies

1. The City shall cooperate with appropriate government officials in the protection of biological, aesthetic, recreational, and economic values and benefits of shorelands under public control.
2. The City shall reduce or mitigate adverse effects upon water quality and fish and wildlife habitat resulting from the use of shorelands.
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.
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.
5. The City shall provide implementing ordinances in the Zoning & Land Use Code to protect, maintain, and stabilize the shoreline. Stabilization and erosion control methods shall be included in the Zoning & Land Use Code.
6. The City shall develop and implement programs for maintaining and improving public access to the estuary and ocean and pursuing adequate signage of existing access points. The City supports future public access sites to be accessible in conformance with the Americans with Disabilities Act (ADA).
7. The City shall permit structural shoreline stabilization only if:
 - a. There is a demonstrated need to protect property or existing structures that are threatened by erosion;
 - b. Impacts on adjacent property due to increased erosion and sedimentation are minimized;
 - c. Visual impacts are minimized;
 - d. Long-term or recurring costs to the public are avoided;
 - e. Riparian vegetation is preserved as much as possible; and
 - f. The proposed project will not restrict existing public access to publicly owned lands or interfere with the normal public use of fishery, recreation, or water resources.
8. The City shall coordinate with the Oregon Department of Parks and Recreation and the Department of State Lands in any review of beachfront protective structures.
9. Existing public ownerships, rights-of-way and similar public easements in estuary and ocean Shorelands which provide access to or along the estuary or ocean

shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed Shoreland areas, provided public access across the affected site is retained.

Proposed Action

- a) Where necessary, the City shall strengthen codes to protect shorelands.

Goal D. *Conservation of Energy*

The City supports the energy conservation efforts of its residents and business owners and encourages the use of energy-efficient procedures and the use of alternative, renewable energy sources.

Policies

1. The City shall encourage future developments to use energy efficient design, siting and construction.
2. The City shall encourage non-polluting alternative energy sources such as solar, wind and wave power.
3. The City shall seek and support programs that provide or subsidize alternate energy or energy efficient technology. These technologies may include insulation and weatherization of habitable building, installation or energy efficient water heating systems, or energy efficient heating systems.
4. The City shall encourage the use of modes of travel that contribute to clean air and energy efficiency.

Proposed Actions

- a) The City shall develop and/or make available educational materials about using alternative/renewable energy sources and following environmentally sustainable and energy efficient building practices for the public.
- b) The City shall demonstrate and use energy conservation principles and practices.
- c) The City shall investigate opportunities and assist development of alternate energy sources, such as wind and water, subject to reasonable safety, noise, and visual controls.
- d) The City shall develop guidelines and/or ordinances for using alternative/renewable energy sources and following environmentally sustainable and energy efficient remodeling and initial construction for both residences and business owners.

Goal E. *Protection from Natural Hazards and Disasters*

Through regulation of the location and type of development, the City shall work to protect life and property from natural disasters and hazards, such as landslides, fires, tsunamis and flooding. The City recognizes that with the reduction of wildland fuels, we move closer to achieving the goal of all structures surviving an on-coming fire. The City regulates activities in known areas of natural hazards and limits development that may affect the integrity of steep slopes or impact fire hazards.

Policies

1. Developments subject to damage or that could result in loss of life shall not be planned nor located in known areas of natural hazards without appropriate effective mitigation strategies. Such strategies shall be attested to by a State of Oregon certified engineering geologist.
2. New construction or substantial improvements in identified flood hazard areas shall have the lowest floor level elevated to or above the 100-year flood level.
3. Low density and open space uses that are least subject to loss of life or property damage shall be preferred uses in flood-prone and steep-sloped areas.
4. The density of development shall be no greater than the slope can safely accommodate.
5. The City shall follow recommendations in the Lincoln County Natural Hazards Mitigation Plan.
6. Developments adjacent to the Yachats River shall be planned to minimize any aggravation of the turbidity and seasonal low-flow situation.
7. The City shall convey concerns regarding adverse forest activities to the Oregon Department of Forestry.
8. The City shall participate in Community Emergency Response Team (CERT) Programs and will help or take the lead to inform its residents and business owners about preparedness measures.
9. The City shall develop a citywide storm water management infrastructure.
10. The City is committed to supporting the fire district in its fire protection efforts.
11. The City shall support the Lincoln County Community Wildfire Protection Plan (CWPP).
12. The City shall access and utilize federal and other grant dollars to implement measures to protect against natural hazards and disaster.
13. The City shall set realistic expectations to reduce wildland fire risk, prepare for, respond to, and suppress wildland and structural fires.

Proposed Actions

- a) The City shall amend the City codes as necessary to reflect best practices related to natural hazard and disaster prevention and mitigation.
- b) The City shall prepare and distribute tsunami preparedness information to all residents, property owners and business owners in the City. The City shall make the information available at tourist accommodations (vacation rentals) and points of interest.
- c) The City shall participate in emergency preparedness training drills on a regular basis with other agencies and jurisdictions.
- d) Applications for subdivisions, ~~and~~ Planned Unit Developments, *and* building permits shall include plans for storm water management.
- e) Requests for building permits shall include plans for storm water management.

Goal F. *Providing Recreation Opportunities*

The City provides access to a range of recreational opportunities for its residents and visitors. The City shall enhance existing facilities and expand services as necessary.

Policies

- 1. The City shall encourage the development of diverse recreational and cultural opportunities to meet the needs of Yachats.
- 2. The City shall encourage the state to maintain its parks and beach access areas for the benefit of residents and visitors. Changes in park use or creation of new park facilities shall be reviewed by the City as specified in the Zoning and Land Use Ordinance.
- 3. The City shall encourage the Oregon Department of Transportation to improve Highway 101 for pedestrian and bicycle use.
- 4. The City shall support the identification of existing parks and development of additional parks and open spaces.
- 5. The City shall support and encourage the development of recreation centers for youth and seniors.
- 6. The City shall encourage the State Fish and Wildlife Department to maintain sufficient stocks of fish in the Yachats River and its tributaries for recreational purposes.
- 7. The City shall support the continued use of the Yachats Commons and the Community Park to provide for recreational, educational, and open space needs.
- 8. The City shall maintain and encourage affordable public facilities for recreation.

9. The City shall develop and maintain hiking, walking, and biking trails throughout the community to provide recreation and exercise.

Proposed Actions

- a) The City shall maintain a consistent, identifiable logo and signage program for recreational facilities.
- b) The City shall require State Park sanitary facilities to be connected with the City sewer and water systems.

Goal G. Control of Urban Growth and Form

The City shall ensure that growth and development within the City's Urban Growth Boundary (UGB) will be orderly and efficient, and consistent with adopted land use plans.

Policies

1. The City shall contain future urban development within the adopted Urban Growth Boundary.
2. The City shall affirmatively establish, through City Council action, the capability and desire of the City to provide necessary public services to the area before additional lands are considered for annexation to the City or for inclusion in the Urban Growth Boundary.
3. Annexation will require concurrent Comprehensive Plan and Urban Growth Boundary Amendment and a zone change to reflect the action taken.
4. Annexations shall be governed by Oregon Revised Statutes, Chapter 222 and the Yachats City Charter. Council decisions shall consider such factors as the City's capacity to provide services and the compatibility with the character of the area.
5. The City recognizes the Lincoln County Board of Commissioners' responsibility under Oregon Revised Statutes, Chapter 215, for all planning and zoning decisions in the unincorporated areas of the County. The City reserves the right to request specific information in order to obtain facts on sites outside the City UGB Urban Growth Boundary but located within adjacent unincorporated areas.
6. The City shall, through development regulations, ensure that new development shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.
7. The City shall encourage improvement of the community's visual character.
8. The City shall support the preservation of open space on private land through such means as set back standards and limiting lot coverage and encourage the preservation of open space when new subdivisions and planned unit developments are considered for approval.

9. The City shall preserve public views of wetland areas, beaches and stream corridors.
10. The City shall protect the valuable views from Yachats of the ridgelines and forests.
11. The City shall actively pursue the acquisition of additional open space, to include property within the urban growth boundary and also property visible from Yachats.
12. The City shall seek external funding for acquisition of open space.

Proposed Actions

- a) The City shall review the sign ordinance.
- b) The City shall develop a procedure for accepting donations of private land for public use.
- c) The City shall provide regulations, which will limit the building of structures that protrude above primary and secondary ridgelines, or will mitigate the appearance of such structures if prevention is not possible.
- d) The City shall develop criteria for the design of unified open space system, rather than a collection of interesting yet unrelated parcels. The development process will include community input.
- e) The City shall seek community consensus to implement site and building design standards and the use of other tools such as incentives and grants.

Goal H. *Provide for Economic Growth*

The City supports and protects businesses that serve the needs of residents and tourists, especially businesses that are locally owned. The City seeks to accomplish this by ensuring the availability of areas to accommodate economic growth and employment at appropriate locations that stimulate a vibrant, distinct and attractive downtown core. To this end, the following policies shall be followed:

Policies

1. The City shall maintain and enhance the economic stability of the City without diminishing the livability of the area.
2. The City shall provide adequate and suitable opportunities for economic growth.
3. The City shall permit home-based businesses that are compatible with residential neighborhood character.
4. The City shall, through development regulations, ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.

5. Casino gambling shall not be allowed since it is incompatible with the character of the community.
6. The City shall increase public parking in the downtown area.
7. Activities to improve the visual character of downtown Yachats such as the undergrounding of utilities, face improvement, incentive programs, and encouraging off-street, behind building parking shall be encouraged.

Proposed Action

The City shall review standards for home occupations as a permitted use in residential areas.

Goal I. Provide Adequate Public Services

The City provides efficient essential public facilities and services to accommodate future growth including water and sewer services; storm drainage, public safety; and emergency services.

Policies

1. The City shall provide sufficient quantities of high quality water at adequate pressures to meet the needs of the community. Water quality shall be maintained at a level that meets or exceeds all State and Federal water quality standards.
2. The City shall provide a reliable supply of water to the community through the development and maintenance of an alternate source(s) for use during emergencies or periods of extremely high demand.
3. The City shall promote water saving strategies and techniques. The City shall accomplish this through education, encouragement and, in some cases, requirements for the application of water saving technology.
4. The City shall develop a citywide storm water management infrastructure.
5. The City shall promote a logical, direct, and connected street system through the development of street plans.
6. The City shall identify opportunities to extend and connect streets, provide direct public right-of-way routes, and limit the use of cul-de-sac and other closed-end street designs.
7. The City shall assure that roads and footpaths can be used safely by providing, improving and maintaining effective and efficient street lighting and illuminated traffic signs that contribute to improved environmental standards and community safety.

8. The City shall encourage the formation of local improvement districts (LIDs) for the construction of transportation infrastructure, which may include streets, curbs, or other structures; pedestrian or bicycle facilities and drainage.
9. The City shall require that development projects acknowledge existing conditions and/or hazards which may pose a threat to residents—such as proximity to physical hazards—and the responsibility to mitigate such threats through appropriate site planning, buffering, and other physical design approaches.
10. The City shall encourage utility providers to strengthen, relocate, or take other appropriate measures to safeguard pipelines, underground utilities, transmission lines, and other utility infrastructure in areas subject to elevated natural hazard risk.
11. The City shall maintain an efficient maintenance program to control long-term costs and to establish the most efficient operation of public services.
12. The City shall plan, develop, implement and monitor a comprehensive emergency preparedness and disaster response plan in cooperation with appropriate emergency agencies.
13. The City shall place a high priority on the rapid and effective identification of properties by public safety personnel and emergency response agencies.
14. The City shall require emergency access routes in the approval of developments and subdivisions.
15. The City shall encourage its residents to accept some responsibility for personal safety through emergency medical training in first aid, cardiopulmonary resuscitation (CPR), and similar methods.
16. The City shall investigate the feasibility and desirability of increasing the number of public restrooms.
17. Any current, new or amended water, wastewater or storm water plans shall be incorporated into the Yachats Comprehensive Plan.

Proposed Actions

- a) The City shall continue to upgrade the water collection, filtration, storage, and distribution system, through the efforts of the Public Works Department and an engineer.
- b) The City shall explore methods of funding storm water management infrastructure, such as System Development Charges.
- c) The City shall coordinate with Lincoln County Emergency Services and their public safety policies and procedures.
- d) The City shall provide CERT training to City staff and volunteers.
- e) The City shall develop an emergency incident plan based on the National Incident Management System (NIMS).

Goal J. Meeting Housing Needs

The City encourages a variety of housing choices in appropriate locations to accommodate a range of needs and incomes. The City finds that providing opportunities for affordable housing to meet the needs of people of all income levels as a necessary and desirable goal.

Policies

1. The City shall ensure that sufficient vacant and redevelopable buildable land shall be designated for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the community.
2. Housing development within the City and Urban Growth Boundary shall proceed at a rate commensurate with the City's ability to provide water and sewer service.
3. The City shall encourage participation in available government and private loan or other programs in order to provide for the housing needs of all income levels.
4. The City shall actively encourage opportunities to create affordable housing.
5. The City recognizes that the private sector, as well as the public sector, contributes to and shares in the responsibility of providing adequate housing opportunities for all segments of the population.
6. Yachats currently has only 25 units of government assisted housing. A recent market study determined that the Yachats-Waldport competitive market area needs 156 additional apartment units for persons earning at or under 60% of area median income ("AMI").

The existing 25 units of government assisted housing at Fistera Gardens Apartments fill a need for senior housing and housing for disabled persons whose income is at or under 60% of AMI. But participants in the local workforce do not reside there now and historically have not due to the 100 person wait list.

At least 80-90 local workers in Yachats earning at or under 60% of AMI have no government assisted housing available to them – the only housing they can afford. Our current supply of government assisted housing is not meeting the needs of the local workforce earning at or under 60% of AMI.

The City strongly encourages developers to make government assisted housing units available to income eligible persons who are employed in the local area workforce on a preferential basis to the extent allowed by law.

Proposed Actions

- a) The City shall develop procedures for accepting property or funds dedicated to affordable housing.
- b.) The City shall develop an informational pamphlet for distribution to developers illustrating the needs/benefits of affordable housing in Yachats and encouraging them to participate.

Goal K. *Public Involvement in Land Use Planning*

The City encourages the public to participate in governmental decision-making processes by providing policies and procedures and access to public information.

Policies

- 1. The City shall institute a program that enables the community to identify and comprehend relevant issues, obtain public information and participate in public hearings and other forums on issues related to the growth and development of the City.
- 2. The City shall review its comprehensive plan, inventory data information and applicable ordinances, and determine what revisions and/or additions, if any, are appropriate at least every five years. Review through a public process shall be initiated by the City Planning Commission.
- 3. The comprehensive plan for the City shall be filed in the City Office and shall be made available to the public at the City Hall, the online document library, and the Yachats Public Library.
- 4. The City shall follow the notice and procedural requirements of the Oregon Public Meetings law.
- 5. The City shall encourage opportunities for public involvement and networking.

Proposed Action

The City shall continue to use the adopted public involvement plan.

Goal L. *Beaches*

The City shall work to enhance existing access points to its beaches and protect its beaches from erosion and other degradation.

Policy

1. The City shall, in conjunction with applicable County, State and Federal agencies, prohibit residential, commercial and industrial buildings or development on beaches and along waters of the state.
2. The City shall improve public access to the beach and river shores by acquiring land and easements.
3. The City shall consider donations and dedications of land and easements for public access, open space, and habitat protection.
4. The City shall identify appropriate sites for emergency and public access to the beach.
5. The City shall investigate a diverse range of beach access types (pedestrian, official vehicular, view) and a range of amenities (parks, walkways/boardwalks, street ends) while maintaining a balance between resource protection and human use.

Goal M. *Transportation*

The City shall ensure that automobiles, bicyclists and pedestrians can move safely and efficiently to destinations within and beyond Yachats.

Policies

1. The City shall ensure that designated parking areas are maintained in the downtown core.
2. The City shall maintain all City streets to ensure safe passage and emergency access.
3. The City shall require future developments to provide safe, well-marked pedestrian ways that do not conflict with vehicular traffic.
4. The City shall require future developments to provide adequate off-street parking.
5. The City shall require streets created by land divisions to tie into existing and anticipated road systems to provide for cross-circulation.
6. The City shall cooperate with the Oregon Department of Transportation in the development and implementation of their Highway Improvement Program for projects within the Yachats urban growth boundary.
7. The City shall explore options to increase public parking.
8. The City shall explore options to improve traffic flow.
9. The City shall encourage and support alternative transportation where safe passage can be maintained.

10. The current Village Circulation plan and any new or amended plans are incorporated into the Yachats Comprehensive Plan.

IV. Plan Maps

The attached maps depict the preceding policies through identification of land use designations. The City shall use the maps along with the policies to guide decisions pertaining to land use and development within the Urban Growth Boundary. The maps establish long-range land use patterns for the City and represent the City Council's best attempt to accommodate residents' and landowners' input.

V. Definitions

Affordable Housing. As defined by the U.S Department of Housing and Urban Development (HUD).

Coastal Shorelands. Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.

Development. The result of bringing about growth; of constructing or altering a structure, conducting a mining operation, making a physical change in the use or appearance of land, dividing land into parcels; or of creating or terminating rights of access, vegetation removal and/or any construction or placement of facilities on that site.

Estuary. A body of water semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by fresh water derived from the land. The estuary includes; (a) estuarine waters (b) tidelands (c) tidal marshes and (d) submerged lands. Estuaries extend upstream to the head of tidewater. In Yachats, all of the waters of the Yachats River within the City limits and urban growth boundary are defined as estuary.

- a. **Natural Estuary.** Estuaries lacking maintained jetties or channels without adjacent urban areas that have altered shorelines (shorelines with bulkheads, riprap or other physical structures). Shorelands around natural estuaries are generally used for agriculture, forest, recreation and other rural uses. They usually have little developed area for residential, commercial or industrial uses.
- b. **Conservation Estuary.** Estuaries lacking maintained jetties or channels but which are within, or adjacent to, urban areas which have altered shorelines adjacent to the estuary.

Low Density Residential. Residential units at a concentration of less than one unit per two acres.

Management Unit. A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected or enhanced and others are discouraged restricted or prohibited.

Natural Hazards. Natural events are known to result in death or endanger the natural or built environment. These may include river and ocean flooding, weak foundation soils, landslides, erosion, etc.

Open-space: Open-space Land is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as following:

- a. Open space for the preservation of the natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays, and estuaries; and coastal beaches, banks of rivers and streams, and watershed lands.
- b. Open space used for the managed production of resources.
- c. Open space for outdoor recreation, including but not limited to, areas of outstanding scenic, historic, and cultural value; areas particularly suited for park and recreation purposes, including access to beaches, and rivers and streams; and areas that serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.
- d. Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs, and areas required for the protection and enhancement of air quality.

Overstory. The canopy is the uppermost level of a forest, formed by the tree crowns. Canopy trees refers to the trees in a forest which form the canopy. The uneven layers of the canopy is formed by both dominant and co-dominant trees.

Public Facilities & Services. Projects, activities and facilities that the City determines to be necessary for the public health, safety and welfare. These can include water and sewer service, streets, storm drains, police protection, parks and open space, library services, etc....

Understory: The area of a forest which grows in the shade of the emergent or canopy forest canopy. Plants in the understory consist of a mixture of seedlings and sapplings of canopy trees together with understory shrubs and herbs.

Seasonal low-flow. Minimum flow in a river during the dry periods of the year.

Turbidity. The cloudiness or haziness of a fluid caused by individual particles (suspended solids) that are generally invisible to the naked eye.

Urban Growth Area. That area between the City limits and the Urban Growth Boundary.

Urban Growth Boundary. The geographical limits within which urban growth will be contained.

View Shed. A view shed is an area of land, water and other environmental elements that is visible from a fixed vantage point. The term is used widely in such areas as urban planning, archaeology, and military science. In Urban Planning, for example, view sheds tend to be areas of particular scenic or historic value that are deemed worthy of preservation against development or other change. The preservation of view sheds is a goal in the designation of open space areas, green belts and community separators.

YACHATS PLANNING COMMISSION

June 19, 2018

Work Session Approved Minutes

Vice-Chair Ron Urban called the June 19, 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: 4.

I. Comprehensive Plan Update

Goal J, Policy 6: Commissioner Urban suggested the first three paragraphs of Goal J, Policy 6 starting with, "Yachats only has..." be deleted leaving only, "The City strongly encourages developers to make government assisted housing units available to income eligible persons who are employed in the local area workforce on a preferential basis to the extent allowed by law" for the policy statement. Commissioners pointed to other unreliable information in the first three paragraphs and agreed with Urban's suggestion.

Goal I: Commissioner Hafner recalled Commissioner Orchard was going to correct the wording in this goal. Planner Lewis indicated he had revised the wording to, "The City provides efficient essential public facilities and services to accommodate future growth, including water and sewer services, storm drainage, public safety, and emergency services."

Goal L: Commissioner Kerti noted this goal indicates "Policy" while other sections refer to "Policies." Commissioners agreed to use, "Policies."

Goal B: Commissioner O'Shaughnessey noted the second line had extra spaces. Kerti noted the spacing might be due to the margins being set to justify both margins.

Goal G, Policy 5: Commissioner Shrock noted "UGB" should be spelled out to, "Urban Growth Boundary."

Goal K, Proposed Action: Hafner recalled Anderson was going to find out what the Public Involvement Plan referred to in this Action was. Anderson reported she could not find anyone who knew what this Public Involvement Plan was. She was advised that the Commission not remove this item as it was likely put there for some purpose.

Lewis indicated the draft version was sent to OLCD for their review, so Commissioners should work from this draft version at the Public Hearing.

II. Housing and Accessory Dwelling Units

Anderson reported the State passed HB1051 requiring the allowance of Accessory Dwelling Units (ADUs) with minimal exemptions. She noted the March 2018 Guide provided by Lewis indicated cities of less than a population of 2,500 were exempt. She was also informed that Lincoln County passed legislation requiring the allowance for all zones and areas regardless of size. Anderson spoke with the Lincoln County Planning Department and learned their regulation only applied to areas under County jurisdiction, and as Yachats' urban growth boundary and city limits are the same, there is no area under County jurisdiction. Anderson clarified the City does not have to allow ADUs, but they might want to.

Anderson referred to the Newport Initiatives provided by Councilor Max Glenn for Commission review. Urban asserted the only topic that was relevant to the Planning Commission was the

1 implementation of SB1051. Lewis clarified residential space over retail businesses was currently
2 allowed. Anderson noted Yachats has a cap on vacation rentals, so ADUs as vacation rentals
3 would be limited. Lewis added that the Commission could allow or prohibit vacation rentals on the
4 property with an ADU. Urban reported he found four places where ADUs are addressed in the City
5 Code and suggested the Commission review these areas before writing new regulations. These
6 sections were: 9.68.010 General Provisions, 9.68.040 Requirements for Manufactured Dwelling
7 Subdivisions (Anderson noted this section only applies to manufactured dwellings, parks,
8 subdivisions, and PUDs), 9.54.010 Definitions, and 9.04.030 Definitions.
9

10 Anderson noted from the issues raised by Doug Connor on light of sight setbacks from a private
11 road, the attorney asserted the 20 feet setback was in section 9.52 on Supplementary Use and
12 Design Regulations and thus only applied to supplementary uses. Anderson indicated per her
13 discussion with Lewis, they believed the appropriate place to have that language was in section
14 9.64 pertaining to streets and street construction. She added they could also add the
15 ingress/egress language so that the clear sight regulation would apply to driveways as well as
16 street intersections. Anderson suggested that if the Commission wanted to allow ADUs in
17 residential zones, they would need to put the allowance language in the residential zone sections.
18

19 Commissioners discussed restrictions that could be placed on an ADU in R1 zones, such as an
20 ADU being used for long-term rentals. Lewis noted lot coverage restrictions could be relaxed for
21 ADUs as well. Shrock suggested parking requirements not be relaxed. Commissioners discussed
22 differences between tiny homes, manufactured homes, and mobile homes. Lewis noted an ADU is
23 accessory to a primary dwelling whereas a tiny home could be stand-alone.
24

25 Rhonda Moran (Coolidge Lane) asked if ADUs were a way for developers to get around the
26 vacation rental requirements. Anderson clarified the intent of the Commission is to prevent her
27 concern from happening.
28

29 Kerti suggested the goal to increase affordable housing is connected to increasing density of
30 housing. Anderson suggested that lot coverage requirements would limit the amount of land that
31 could be used for ADUs. Lewis noted Waldport has begun drafting an ordinance for incorporating
32 ADUs into residential zones. Anderson asked about the application of current density
33 requirements regarding dwellings per acre, such as R3 having a limit of 12 dwellings per acre.
34 Lewis clarified the code does not address the neighborhood density, only the lot density, so a one
35 quarter acre parcel would be limited to 3 dwellings, regardless of what other dwellings are on
36 adjacent and nearby lots.
37

38 Kerti asked what the motivation of an owner would be to build an ADU on their property.
39 Commissioners suggested rental income and space for family members.
40

41 Urban asked Lewis to provide the Commission with the code being drafted by the Waldport
42 Planning Commission. Hafner asked Lewis to indicated the areas of Yachats' code that would be
43 impacted by ADU legislation.
44

45 Lewis noted ADUs could be listed as a conditional use that could have its own standards.
46

47 Urban adjourned the work session at 2:56 pm.
48
49
50
51

52 _____
Ron Urban, Vice-Chair

Date

1
2 Minutes prepared by H H Anderson on July 9, 2018.
3