

1. Agenda

Documents:

[2019-03-19 Planning Agenda.pdf](#)

2. Meeting Materials

Documents:

[2019-02-05 Planning Work Session Minutes DRAFT.pdf](#)

[2019-02-19 Planning Work Session Minutes DRAFT.pdf](#)

[2019-02-26 Planning Work Session Minutes DRAFT.pdf](#)

[2019-03-13 Memo 1-CU-PC-17 Hetzler Update.pdf](#)

[2019-03-19 Hetzler 1-CU-PC-17.Pdf](#)

[2019-03-19 Hetzler Properties Map.pdf](#)



CITY OF YACHATS

PLANNING COMMISSION MEETING

441 Hwy 101 N., Yachats Commons, Room 1

Tuesday, March 19, 2019: 2 pm Work Session;

WORK SESSION AGENDA

1. Goals
 - A. Planning Commission Summary for Budget
 - B. Next Project Priorities
2. Sign Code Amendments
 - A. Diagrams
 - B. Definitions

REGULAR MEETING AGENDA

- I. Call to Order
- II. Announcements and Correspondence
- III. Minutes
 - A. February 5, 2019 Special Work Session
 - B. February 19, 2019 Work Session
 - C. February 26, 2019 Special Work Session
- IV. Citizen's Concerns
- V. Public Hearings
- VI. Business
 - A. Update on Case File 1-CU-PC-17 Drift Inn
- VII. Planner's Report
- VIII. Other Business
 - A. From the Commission
 - B. From Staff

Commission meets the third Tuesday of each month.

Next scheduled meeting: April 16, 2019 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: March 18, 2019



YACHATS PLANNING COMMISSION

February 5, 2019

Work Session Draft Minutes

I. Call to Order

Vice Chair Lance Bloch called the February 5, 2019 special work session of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Jacqueline Danos, Doug Conner, Helen Anderson, Lance Bloch, Christine Orchard, and Mary Ellen O'Shaughnessey. Absent: none. Staff Present: City Planner Dave Mattison Audience: 1.

II. Sign Ordinance

Bloch noted the Commission would work from the draft that was the fourth document in the packet. Bloch noted the definitions included all recommended definitions except for foot-candle and lumens, which should be in Title 5. Commissioner Anderson reported Commissioner Orchard had revised the definition document to get consistent formatting on sign types so that sign types are presented as "Sign, Type of Sign."

Menu Boards

Commissioner Danos asked if a definition for a menu board should be added with the definition referring to having a free standing menu board with a two way speaker system for a drive through window. Danos suggested this definition might be helpful in the future. Planner Mattison noted the code only allows for one freestanding sign. Anderson suggested the attorney might interpret allowing an exception for a free-standard menu board to be illegal because one would have to read the content. Mattison asked if a freestanding menu board would be counted as an internal sign. Anderson noted the attorney had issues with section 9.44.040.B.1.d referring to directional signs for vehicular access because a regulation on a directional sign would be content-based. Anderson suggested they could regulate this issue by allowing a drive through business to have an additional freestanding sign. Bloch suggested this exception could be allowed if strict scrutiny interpretations were applied. Danos suggested the allowance for a menu board could be addressed through the variance process.

Murals

Danos reported she researched code around murals. Commissioners discussed whether murals were art or signs. Commissioners agreed to add a definition for murals in the definition exceptions. Commissioner Anderson noted Section 9.44.020.N exempted Original Art Displays. Commissioners agreed to modify that section to state, "that do not constitute commercial speech, including murals."

Projecting Signs

Danos noted there might be inconsistencies in the distance from the wall for projecting signs (is it 16 or 14 inches?).

Open/Closed Signs

Commissioners discussed whether a definition was needed for Open/Closed signs and agreed it should be included.

Integral Signs

Commissioner Conner asked for clarification on integral signs and whether those would be a wall sign. Conner asked if the definition of linear street frontage was recursive. Commissioner Orchard noted the definition of street frontage was a given and the definition was about linear street frontage.

Sign definition

Conner noted the definition of signs mentions public right of way but does not mention private streets. Commissioners agreed to change the language from “visible from the public right of way” to “visible from the tax lot access street.”

Temporary Sign

Danos noted there were two definitions for temporary signs. Commissioners agreed to a definition of, “Temporary Sign” means any sign that is not permanently installed or affixed to any sign. Structure, or building.”

Commissioners discussed whether the document would need another review from the attorney and whether they needed to explain items that need not be regulated with strict scrutiny.

Abandoned Signs

Conner wanted to further clarify the definition of abandoned signs, particularly around the tie to the person who constructed the sign in part a. Commissioners agreed to change the language from “used by the person who constructed the sign” to “used by the entity for which the sign was erected.”

Commissioners agreed to review the sign code from the fourth document that was emailed.

9.44.010 Purpose

Section A. Change to read, “To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised. The intent is to regulate the number, location, size, type, illumination, and other physical characteristics of signs within the City;”

Section C. Maintain should have a lower case “m”

After Section F. “and do not seek” should read, “and does not seek”

9.44.020 Exempt Signs

Mattison pointed out there were two types of exemptions: exemption from requiring a permit and exempt from regulation. Commissioners discussed whether some of the signs listed would fall under the content-based prohibition. Conner noted many of these signs were temporary signs. Anderson had concern that the code was stipulations for the signs the code lists as exempt, such as the regulations on Construction Activity Signs. Commissioners agreed to use the Exempt Sign section xx.xxx.025 from the model code for this section. Commissioners discussed including flags and whether flags were signs by definition, and agreed to not put flags in this section.

Commissioners agreed to add a section for, “Signs Not Requiring Permits” before the section on Permits Required in Zones “(9.44.060).

9.44.030 Prohibited Signs

Commissioners agreed to change the introductory sentence to read, "Except for Non-Conforming Signs, the following signs are unlawful and are considered nuisances:"

Bloch noted A-Frame signs are prohibited in B, but they are also regulated elsewhere in the code, and Commissioners agreed to strike item B.

Commissioners discussed the definition of Flying Signs and agreed to use the language from the model code to have Item J read, "Flying signs designed to be kept aloft by mechanical, wind, chemical or hot air means that are attached to the property, ground or other permanent structure, such as blimps, kites or other inflatable devices." Commissioners agreed a definition for flying signs should be added.

Commissioners discussed inflatable signs and balloons. It was noted that one business puts a inflatable floppy in the bed of their truck. Commissioners discussed whether balloons were or should be prohibited and noted the inflatable floppy would be prohibited by covered under Item A in 9.44.030 A.

Commissioners agreed to remove item K for Inflatable Signs and to change the definition of Balloon Signs to Inflatable Signs. Commissioners agreed to include inflatable devices in the above definition for Flying signs.

Danos suggested item O could be generalized under dynamic signs. Commissioners agreed to use for O, "Signs with a dynamic element, including but not limited to video and digital signs;"

Commissioners agreed to revise Item T to read, "Any sign (other than a governmental sign) within the clear vision area provisions contained in these development codes;

Danos noted there was no mention of blinking or rotating lights that shine upon a sign. Mattison believed these could fall under the "flashing parts" statement in Item A.

Commissioners discussed adding some language for the lights that shine onto a sign, especially ones that flash or change colors. They also discussed what language should be included in this section versus included in Title 5. One possibility was to add a prohibition for, "Signs with an external light source where the light source is visible from the public right of way."

Commissioners agreed to add a prohibition for, "Signs with an external light source that changes intermittently."

Orchard suggested adding "other emergencies" to Item R, and Commissioners agreed.

Lance Bloch, Vice Chair

Date

Minutes prepared by H H Anderson on February 15, 2019.



YACHATS PLANNING COMMISSION

February 19, 2019

Work Session Draft Minutes

I. Call to Order

Vice Chair Lance Bloch called the February 19, 2019 special work session of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Jacqueline Danos, Helen Anderson, Lance Bloch, Loren Dickinson, Christine Orchard, and Mary Ellen O'Shaughnessey. Absent: Doug Conner. Staff Present: City Planner Dave Mattison Audience: 1.

II. Sign Ordinance

Block recalled the Commission left of at Prohibited Signs at the last meeting. Commissioner discussed and agreed to the following changes to the Draft Sign Ordinance:

Danos read the definition of murals from Florence. Commissioners suggested they do not want to tie the definition of a mural to signs. Danos also noted there was no definition for a mansard roof.

Commissioners agreed to the following definition of murals: A work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall, or exterior wall of a building.

Danos asked about language for lighting and Anderson suggested they address lighting after they finish this section of code.

The Commission agreed they could not regulate temporary signs based on sign types that are content based. The Commission agreed to the following changes to 9.44.050 Temporary Signs:

9.44.050 Temporary Signs

In addition to the allowances for signs provided by this section, temporary signs are allowed on private property and shall not affect the amount or type of signage otherwise allowed by this chapter. The signage shall not be restricted by content. Signage may be erected and maintained without a permit with the following standards:

A. ~~No more than one temporary sign is permitted per issue per property.~~ Except as noted in this section, temporary signs are allowed to be erected and maintained for three (3) days.

B. Temporary signs are not permitted in the public right of way.

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

D. Temporary signs shall be attached to the site or constructed in a manner that both (a) prevents the sign from being easily removed by unauthorized persons or blown from its location and (b) allows for the easy removal of the sign by authorized persons.

E. No objects shall be attached to temporary signs, including balloons, banners, and flying objects.

F. Except as provided in this code, temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices.

G. No temporary sign shall be erected or maintained that, by reason of its size, location or construction, constitutes a hazard to the public.

H. During the period from ninety (90) days before a public election or the time the election is called until ten (10) days after the election, temporary signs not exceeding six (six) square feet in area and four (4) feet in height are allowed.

I. During the period when a property is for sale, lease, or rent in residential zones R-1, R-2, and R-3 until fifteen (15) days after the completed transaction, temporary signs not exceeding six (6) square feet in area and four (4) feet in height are allowed.

J. During the period when a property is for sale, lease, or rent in residential zones R-4, C-1, and P-F until fifteen (15) days after the completed transaction, temporary signs not exceeding six (32) square feet in area and four (6) feet in height are allowed.

Commissioners agreed to change the section title as follows:

9.44.020 ~~Exempt Signs~~ Exemptions from Requirements

Commissioners changed Section 9.44.060 as follows:

9.44. 060 Signs not requiring permits

The following signs are allowed in all sign districts without a permit. Use of these signs does not affect the amount or type of signage otherwise allowed by this chapter. The painting, repainting, cleaning, maintenance and repair of an existing sign shall not require a permit, unless a substantial structural alteration is made. The changing of a sign copy or message shall not require a permit. All signs listed in this section are subject to all other applicable requirements of this Chapter.

A. A-Frame signs.

1. A-Frame signs may be placed on private property.

3. A-Frame signs may be placed within the right of way on a sidewalk, however a minimum four (4) feet of lateral clearance shall be maintained on a sidewalk. A-Frame signs may not impede pedestrian access or opening of vehicle doors. Placement of A-Frame signs on Highway 101 sidewalks are subject to agreement with the Oregon Department of Transportation.

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

5. A-Frame signs shall be weighted and secured so as not to be easily moved or blown.

6. No objects shall be attached to A-Frame signs, such as balloons or banners.

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

B. Integral signs;

C. Government signs;

D. One indirectly illuminated or non-illuminated sign not exceeding one and one-half square feet in an area placed on any non-multifamily residential lot. This type of sign is typically used as a name plate;

E. Vehicle signs that are not prohibited signs under 9.44.030;

F. Signs displayed upon a bus or light rail vehicle owned by a public transit district;

G. Historical signs or historical or landmark markers;

H. Handheld signs;

I. A sign up to six (6) square feet constructed or placed within a parking lot. These signs are typically used to direct traffic and parking;

J. A sign within the public right of way that is erected by a governmental agency, utility or contractor doing authorized work within the right of way;

- 1 K. A sign that does not exceed eight (8) square feet in area and six (6) feet in height, and is erected
2 on property where there is a danger to the public or to which public access is prohibited;
- 3 L. Non-illuminated interior signs designed primarily to be viewed from a sidewalk or street,
4 provided the sign does not obscure more than twenty-five (25) percent of any individual window;
- 5 M. Illuminated interior signs designed primarily to be viewed from a sidewalk or street, provided
6 the sign face is less than four (4) square feet in area;
- 7 N. One (1) suspended sign for each principal use erected on property which is not considered
8 public right of way, under an attached first floor awning or canopy upon a building with direct
9 exterior pedestrian access, provided the sign does not exceed six (6) square feet in area and has a
10 minimum of eight (8) feet of clearance;
- 11 O. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided
12 the sign is no more than four (4) square feet in area. This type of sign is typically used to identify
13 and locate a property feature;
- 14 P. Signs located within a sports stadium or athletic field or other outdoor assembly area that are
15 intended for viewing by persons within the facility. The signs shall be placed so as to be oriented
16 towards the interior of the field and the viewing stands;
- 17 Q. Signs incorporated into vending machines or gasoline pumps;
- 18 R. Temporary signs as allowed under Section 9.44.050 of this chapter;
- 19 S. Utility signs;
- 20 T. Signs for hospital or emergency services and railroad signs.

21
22 Change 9.44.070(C) to read, "Fees for sign permits shall be established by resolution of the city
23 council, and shall be paid prior to the sign being placed or altered. See 9.88.050 Filing fees."

24
25 9.44.080(A)3: change "lit" to "illuminated"

26
27 For section 9.44.0120 Additional Specific Sign Requirements, Commissioners agreed move the
28 general sign requirement on lit signs to this section and adjust item G to read:

29
30 G. Illuminated Signs

- 31 a. External light from an illuminated sign shall be directed away from a residential zone
32 and shall not be located so as to distract motorists.
- 33 b. No sign shall be of such intensity or brilliance as to impair the vision of a motor
34 vehicle driver or interfere with the effectiveness of an official traffic sign, device, or
35 signal.
- 36 c. Where it can be demonstrated that directional signs are needed for directing or
37 controlling vehicular access, or where such signs are required as a condition of
38 approval for public safety, such signs may be permitted in addition to any other signs
39 permitted by this section. Such signs shall be placed at each motor vehicle entrance or
40 exit, shall not exceed nine (9) square feet in size and six (6) feet in height, and shall
41 not restrict required sight distances or pedestrian and vehicular flow.

42
43 Block asked about requirement for a potential industrial zone. Commissioners agreed that if they
44 were to create an industrial zone, it would need specific standards for that zone.

Commissioners discussed how the code was interpreted based on where a particular regulation was located. Commissioners wanted internally lit signs to have a total maximum of 24 square feet.

Commissioners agreed item 1 setting the maximum allowed internally lit sign area should be placed under general requirements of the R-4, C-1 zone category.

Commissioners agreed they needed to stipulate the open/closed sign was an additional sign to the 24 square foot maximum. Commissioners agreed this item was not of high enough risk to follow strict standards for open/closed signs.

Commissioners agreed to change the section title in 9.44.080(B)2 to: 2. ~~Sign types~~
~~allowed~~Requirements for sign types:

Commissioners agreed to add a maximum allowable square footage for roof signs for item iv.4:

4. The maximum total area of roof signs is twenty-four (24) square feet.

Commissioners noted the 16 feet height limitation for roof signs meant there could not be roof signs on two-story building.

Commissioners discussed whether to allow for an additional vacancy/no vacancy sign. They agreed to add an item of b.iii.5: 5. One vacancy/no vacancy sign up to six (6) square feet and attached to this sign is permitted.

Commissioners agreed to resume work with the section on Banner Signs at another work session.

Commissioners agreed to have another special work session on February 26, 2019 at 2:00 pm.

Bloch adjourned the work session at 4:07 pm.

Lance Bloch, Vice Chair

Date

Minutes prepared by H H Anderson on February 22, 2019.



YACHATS PLANNING COMMISSION

February 26, 2019

Work Session Draft Minutes

I. Call to Order

Vice Chair Lance Bloch called the February 26, 2019 special work session of the Yachats Planning Commission to order at 2:00 pm in the Room 1 of the Yachats Commons. Members present: Jacqueline Danos, Doug Conner, Helen Anderson, Lance Bloch, and Christine Orchard. Absent: Mary Ellen O'Shaughnessey and Doug Conner. Staff Present: City Planner Dave Mattison
Audience: 1.

II. Sign Ordinance

Bloch recalled they Commission stopped with the section on page 7 on Banners. He recalled they agreed to remove reference to the American Flag and they had questions about the flagpole holes in the sidewalk.

For item v under c. Banner Signs, Commissioners agreed to stipulate:

v. Only city-provided banners ~~No banner, other than the American flag,~~ shall be placed in flagpole holes along Highway 101 in front of the Commons, and no banners shall be placed in the city-owned planters.

For 9.44.090 Maintenance and appearance of signs, Commissioners like the language in the model code and agreed to use all of the language from section 120(D) on page 47. Dickinson noted the entire section 120 covered maintenance as well. This section should be changed as follows:

9.44.090 Maintenance and appearance of signs.

~~All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition. All signs shall be maintained in a neat, clean and attractive condition.~~ All signs, together with all of their supports, braces, guys, and anchors shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from excessive rust, corrosion, peeling paint or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

Under the section on 9.44.100 Variances and Adjustments, Commissioners noted that references to other sections of this Title needed to be updated.

For section B on variance adjustments, Mattison explained adjustments allow for the Planner and/or City Manager to allow for slight variations without the person having to apply for a variance. He provided an example of a situation where a sign being in a congested area where the height might work better with a 6-inch adjustment, the Planner could allow this change to happen.

Commissioners discussed whether they needed to stipulate the circumstance under which the Planner could move forward with making an adjustment without consulting with the Commission. Some Commissioners had concern about the Planner making an adjustment that would later present a problem for the City or Commission. Noting that sometimes the adjustments are best used in a

1 timely way and that the City assumes the Planner is skilled in these decisions, the Commission
2 agreed that the Planner could decide when the Commission would need to be involved prior to
3 allowing the adjustment. In all cases, the Planner should report any adjustments to the Commission
4 at the next Commission meeting.

5
6 Anderson noted much of the language in section 135 of the model code was essentially the criteria
7 the Planning Commission uses to determine granting a variance. Anderson read the five variance
8 criteria the Commission uses. Commissioners agreed to the following:

9 B. Adjustments.

10 1. Up to a five (5) percent adjustment to the numeric standards of this section shall be allowed
11 only in compliance with this subsection. Adjustments allowing the use of prohibited signs, or
12 allowing signage other than that specifically allowed by this code, are not permitted. ~~Adjustments~~
13 ~~may be requested to allow for the relocation of a sign, on the subject property, reducing the height~~
14 ~~of a sign, or enlarging the area of a sign. Adjustments allowing for the use of prohibited signs, or~~
15 ~~allowing signage other than that specifically allowed by this code, are not permitted.~~

16 2. Requests for adjustments shall be submitted to the City on a form provided by the City, and
17 accompanied by a fee as approved by the City Council. An adjustment request may be handled
18 administratively. ~~The request shall include the specific standards from which the adjustment is~~
19 ~~requested, the numeric amount of the adjustment and a written response to the following approval~~
20 ~~criteria:~~

21 ~~a. Strict application of the code requirements would deny the applicant a reasonable opportunity to~~
22 ~~communicate by sign in a manner similar to like persons or uses because of an unusual or unique~~
23 ~~circumstance relating to the property or some other circumstances;~~

24 ~~b. The adjustment made to a sign will not affect the surrounding neighborhood or other property~~
25 ~~affected by the request the manner materially inconsistent with the purpose of the sign codes as~~
26 ~~stated in 9.44.010.~~

27 ~~c. The degree of the adjustment is limited to that reasonable necessary to alleviate the problem~~
28 ~~created by the unique or unusual circumstance identified above.~~

29
30 Dickinson noted the chapter numbers referenced needing updating.

31
32 For projecting signs, commissioners agreed to add item D on page 45 of the model code to become
33 item 3 for projecting signs to read: 3. The sign does not project above the roofline or parapet wall,
34 whichever is higher.

35
36 Commissioners decided to use the language from the model ordinance to address illuminated signs.
37 They noted item D in the model code referring to temporary signs could be eliminated.
38 Commissioners discussed the numbers on the illumination as stated in watts and milliamperes
39 should remain in this section. The Commission agreed to reword item E1 on page 48 of the model
40 code into two statements and to condense E3 to eliminate reference to industrial zones as described
41 below. Commissioners agreed that there should be a statement about LED lights as well.

42
43 G. Illuminated Signs

44 1. No sign, light, lamp, bulb, tube, or device shall be used or displayed in violation of this section.

45
46 2. Regardless of the maximum wattages or milliamperere rating capacities allowable under Section
47 XX.XX.125(E) of this chapter, no light source shall create an unduly distracting or hazardous
48 condition to a motorist, pedestrian or the general public. Lighted signs shall be placed, shielded or

1 deflected so as not to shine into residential dwelling units or structures, or impair the road vision of
2 the driver of any vehicle.

3
4 3. External light sources for a sign shall be directed and shielded to limit direct illumination of any
5 object other than the sign.

6
7 4. The illumination of signs shall comply with the following standards:

8 a. No bulb or lamp light source exceeding twenty-five (25) watts shall be exposed to direct
9 view from a public street or highway.

10
11 b. No LED light source exceeding the equivalent of a twenty-five (25) watt incandescent
12 bulb shall be exposed to direct view from a public street or highway.

13
14 c. When neon tubing is employed on the exterior or interior of a sign, the capacity of such
15 tubing shall not exceed three-hundred [300] milliamperes rating for white tubing nor one-
16 hundred [100] milliamperes rating for any colored tubing.

17
18 d. When fluorescent tubes are used for interior illumination of a sign, such illumination shall
19 not exceed an illumination equivalent to eight-hundred [800] milliamperes rating tubing
20 behind a sign face spaced at least nine (9) inches, center to center.

21
22 In 9.44.130 Sign Permit Application section C, Commissioners agreed the fee reference should not
23 contain a fixed number but should refer to the approved City fee schedule: C. Application Fee. A
24 filing fee as set by Resolution ~~of \$25.00~~ shall be paid at the time of filing each sign permit
25 application.

26
27 Commissioners discussed whether stipulations should be made about the shape of a sign and agreed
28 that was not of great concern. They agreed they would review potential diagrams to include at the
29 next work session.

30
31 Mattison indicated he would provide some diagrams for the next meeting, and Danos indicated she
32 would find out if there was a standard for addressing light output such as lumens.

33
34 Mattison reported that he was talking with the Drift Inn about the parking situation with the recent
35 changes. Anderson clarified this would not require a hearing.

36
37 Bloch adjourned the work session at 3:33 pm.

38
39
40
41
42
43
44 _____
Lance Bloch, Vice Chair

_____ Date

45
46 Minutes prepared by H H Anderson on March 10, 2019.



CITY OF YACHATS
Dave Mattison, City Planner
PO Box 345
441 Highway 101 N
Yachats, OR 97498
541-547-3565

memo

To: Yachats Planning Commission Members
From: Dave Mattison, City Planner *DRM*
Date: March 13, 2019
Re: Drift Inn Parking Update for Case File #1-CU-PC-17

In September of last year, a request was made to Linda Hetzler for an evaluation of the parking at Drift Inn. The request for the evaluation originated because outdoor seating was added to the restaurant, and new construction on the former laundromat site removed a parking space onsite.

City staff has estimates that outdoor seating at the Inn occupies approximately 600 square feet. According to City Codes, Chapter 9.48, Off-Street Parking and Loading, 'Eating and Drinking Establishments' are required to have one (1) space for each one hundred (100) square feet of total floor area. Therefore six (6) parking spaces are required for the new seating area. In addition, it appears that there are four (4) parking spaces available in front of the former laundromat, instead of the proposed five (5) parking spaces. Therefore one (1) additional space is required with the building remodel. A total of seven (7) spaces are needed.

The 2017 Conditional Use approval (*file #1-CU-PC-17*) identified that 27 parking spaces were both required and provided for the proposed use.

However, with the additional outdoor seating parking requirements and the loss of one (1) onsite parking space, the new total of required parking needs to be reviewed and evaluated.

Once this has been determined, direction can be provided to Ms. Hetzler for her next step.

CASE FILE: #1-CU-PC-17
DATE FILED: Oct. 17, 2017
DATE APPLICATION DEEMED COMPLETE: Nov. 7, 2017
120-DAY COMPLETION DATE: Mar. 7, 2018
HEARING DATE: Nov. 28, 2017
PREVIOUS ACTION: #1-CU-PC-14

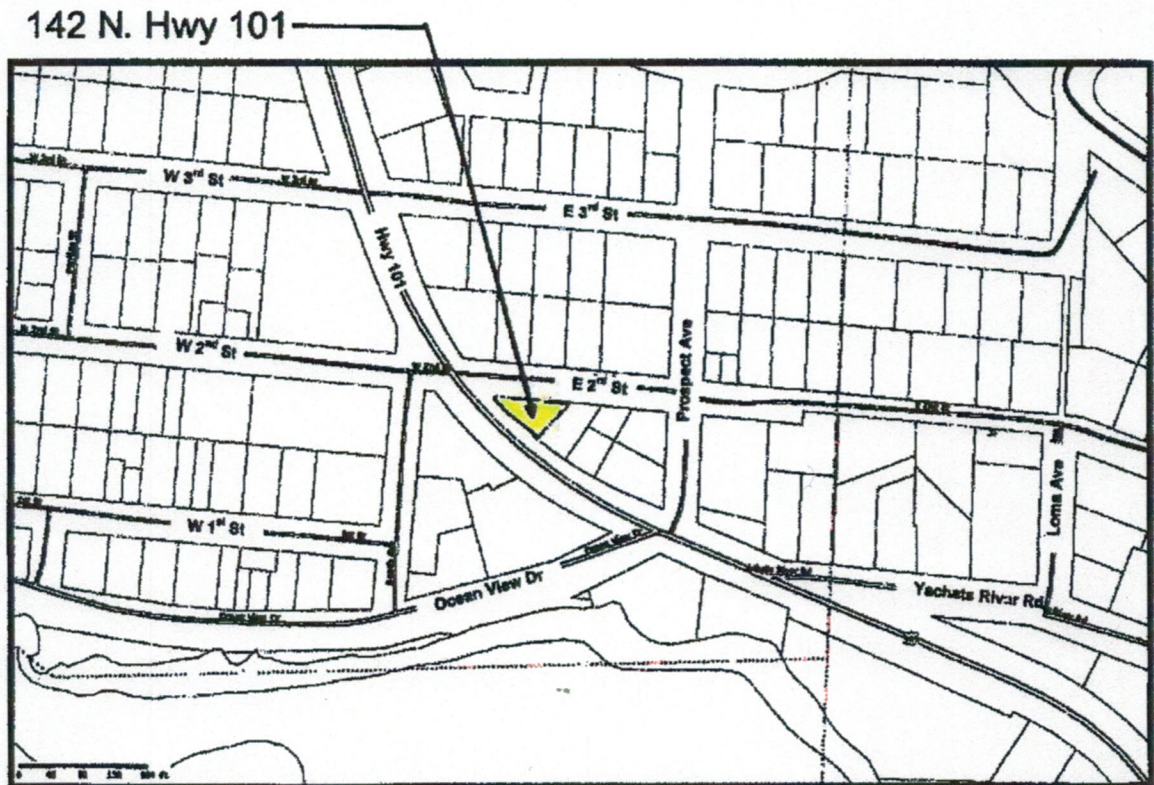
STAFF REPORT

Conditional Use Application

APPLICANT: Linda Hetzler

A. REPORT OF FACTS

1. Applicant's Request: The applicant is requesting a conditional use permit to add four (4) hotel units to an existing 15 unit hotel. A hotel on less than 1.0 acre is permitted in the C-1 Retail Commercial Zone upon approval of a conditional use. The four additional hotel units are proposed to be located on the second floor of an existing building that will be remodeled. The first level of the remodeled building is proposed to have the hotel office, laundry facilities for the hotel, and storage.
2. Property Location: The subject property is located at 142 N. Hwy 101 and described on the Lincoln County Assessor's Map as 14-12-27DA as Tax Lot 3500.



The existing 15 hotel units are located in the buildings on the same block, bounded by E. 2nd Street on the north, Prospect Avenue on the east, and Hwy 101 on the southwest side.

3. Zoning: Retail Commercial Zone C-1
4. Plan Designation: Commercial
5. Lot Size: The subject property totals approximately 3,280 square feet.
6. Existing Structures: The subject property has one existing two-story building. Previous uses included a laundromat, residence, and office space.
7. Topography and Vegetation: The subject property is generally flat. There is a significant drop off from E. 2nd Street on the north side of subject property.
8. Surrounding Land Use: Commercial uses (restaurants, retail, and hotel) are located in the immediate vicinity.
9. Utilities:
 Water & Sewer: City of Yachats
 Electricity: Central Lincoln PUD
10. Development Constraints: No development constraints are identified.

B. EVALUATION OF REQUEST

1. Relevant Yachats Municipal Code Standards (relevant to this application):

a. Chapter 9.28 C-1 Retail Commercial Zone

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:

- B. Any use which would be permitted outright in any residential zone;
- C. Retail stores and shops such as food, drug, apparel, hardware, furniture and similar establishments;
- D. Personal or business service establishment such as barber or beauty shop, tailor shop or similar establishment;
- M. Restaurant, bar or tavern;
- N. Motel or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with accessory commercial uses;

Section 9.28.020 Conditional uses.

In a C-1 zone the following uses and their accessory uses may be permitted subject to the provisions of Chapters 9.44, 9.48, 9.52 and 9.72 where applicable:

- I. Parking area;
- T. Motel, hotel or resort on less than 1.0 acre with accessory commercial uses;

b. Chapter 9.48 Off-Street Parking and Loading

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.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Planner, based upon the requirements of comparable uses listed.

- 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.
- C. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the planning commission in the form of deeds, leases or contracts to establish joint use.
- D. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Parking spaces for non-residential uses shall be located not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.
- 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.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five feet in height where vision clearance is required.
- 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.
- I. Any lights provided to illuminate any public or private parking area or sales area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.
- J. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.
- 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:
 - 1. Residential dwellings: Residential dwellings shall provide the following off-street parking spaces:
 - One-family dwelling, two spaces;
 - Two-family dwelling, four spaces;
 - Three-family dwelling, five spaces;
 - Four-family dwelling, six spaces;

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

3. Motel, hotel or resort: one space for each guest accommodation.
9. Retail store: one space for each two hundred (200) 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 9.72 Conditional Uses (relevant sections)

Section 9.72.010 Authorization to grant or deny conditional use permits

- A. In taking action on a conditional use permit application, the Planning Commission may either permit or deny the application. The Planning Commission's action must be based on findings addressing the requirements of the comprehensive plan and zoning ordinance, as addressed in Chapter 9.88 (Administration).
- B. In permitting a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the code, additional conditions which are considered necessary to protect the best interest of the surrounding city as a whole. These conditions may include, but are not limited to the following:
 1. Increasing the required lot size or yard dimensions;
 2. Limiting the height of buildings;
 3. Controlling the location and number of vehicle access points;
 4. Increasing the street width;
 5. Increasing the number of required off-street parking spaces;
 6. Limiting the number, size, location and lighting of signs;
 7. Requiring fencing, screening, landscaping, walls, drainage or other facilities to protect adjacent or nearby property;
 8. Designating sites for open space;
 9. Setting a time limit for which the conditional use is approved;
 10. Regulation of noise, vibration, odors and sightliness;
 11. Requiring surfacing of parking areas;
 12. Regulation of hours of operation and duration of use or operation;
 13. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purpose of the Yachats comprehensive plan;
 14. If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.

Section 9.72.040 Time limit on a conditional use permit.

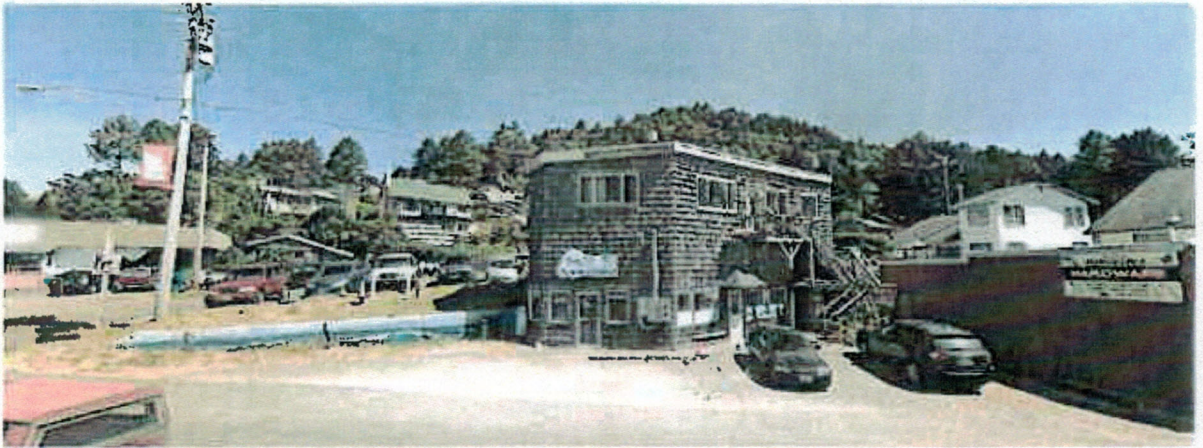
Authorization of a conditional use shall be void after one year or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed six months on request.

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

C. STAFF ANALYSIS

1. The Request

The applicant requests a modification to a conditional use permit that was approved in 2014. The request is to include one adjacent property with one building (142 N. Hwy 101) as part of the Drift Inn Hotel. The building is proposed to include four (4) hotel units on the second level, an approximate 100 square foot office on the first level, and approximately 1,580 square feet for storage and for hotel laundering on the first level. The 2014 conditional use approval included 15 hotel units. This requested modification increases the hotel units to 19.



2. Recent Planning Commission Discussion with the Applicant

In August 2017 the applicant reviewed the Conditional Use permit and future plans with the Planning Commission. The Planning Commission acknowledged that two of the approved 15 hotel units are located in a different building than originally planned however the maximum 15 hotel units has been maintained. The applicant informed the Commission of plans to expand the hotel. The request to increase the number of hotel units requires review and approval by the Planning Commission through the conditional use permit process. Parking was discussed including the condition to remove the manufactured home on Tax Lot 3100 and add additional off-street parking. The applicant acknowledged that the parking and Tax Lot 3100 would be addressed with this application.

3. Parking

Per Yachats Zoning & Land Use Code Section 9.48, 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. The number of parking spaces required for the proposed 142 N. Hwy 101 uses are identified in the table below.

Use	Parking Space Standard	Parking Spaces Required
4 Hotel Units	1 parking space/hotel unit	4.00
100 sq. ft. Office	1 parking space/300 sq. ft.	0.34
1,580 sq. ft. Storage/Laundry	1 parking space/600 sq. ft.	2.63
Total Parking Spaces Required		6.97 (Round up to 7)
Existing On-Site Parking Spaces		5.00
New Parking Spaces Required		1.97 (Round up to 2)

Overall Parking Summary

The 2014 Conditional Use approval identified the need for 20 off-street parking spaces. At that time 21 off-street parking spaces were provided. One additional on-site parking space was added later for a total of 22 on-site parking spaces. 142 N. Hwy has 5 on-site parking spaces.

Existing on-site parking spaces (22) including 142 N. Hwy 101 (5): 27

Existing on-site parking spaces required (20) plus 142 N. Hwy 101 (7): 27

The applicant demonstrated that on-site parking requirements were satisfied in the 2014 conditional use approval. At that time the applicant discussed the plan to remove the existing manufactured home on tax lot 3100 to create 12 additional parking spaces. That became a condition of approval, i.e. "the manufactured home on Tax Lot 3100 shall be removed and an additional 12 parking spaces provided within three years of this conditional use approval."

Since the on-site parking requirements are being satisfied, the applicant would like to maintain the manufactured home on Tax Lot 3100 in order to provide work force housing for her employees.



4. Proposed Walkway Encroachment in the E. 2nd Street Right-of-Way

The applicant proposes a 4' wide walkway providing access to the four hotel units that encroaches in to the E. 2nd Street right-of-way. The north side of the building is on the property line. The 2nd level of the building where the 4 hotel units are proposed are elevated above the street and adjacent right-of-way, as shown in the photo below.

When improvements are proposed to encroach into the public right-of-way, the Yachats Public Works Department reviews and makes a decision on the request. Public right-of-way encroachment requests are typically for ground-level improvements such as a paved driveway and culvert for drainage. Public Works primarily bases their decision on impacts to utilities and sight conditions. Public Works has reviewed and approved this encroachment request based on determination that existing utilities and sight lines will not be adversely impacted. Approvals to encroach into the public right-of-way are granted with the provision that if the public right-of-way is ever needed for public purpose, e.g. utility work, street widening, etc., the encroachment shall be removed by the land owner if determined necessary by Public Works.



D. CONCLUSIONS

If the Planning Commission finds the request does not satisfy the relevant criteria, it can move to deny the request. If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings. 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. **Conditional Use Request.** This conditional use approval is based on the submitted plan, i.e. to amend the 2014 conditional use approval (Case File #1-CU-PC-14) by adding 142 N. Hwy 101 with four (4) additional hotel units, office, storage, and hotel laundry facilities. The hotel will have a maximum 19 units.

The four additional hotel units are proposed to be located on the second floor of an existing building that will be remodeled. The first level of the remodeled building is proposed to have the hotel office, laundry facilities for the hotel, and storage.

2. **Required Parking Spaces.** With the addition of 142 N. Hwy 101, a total of 27 on-site parking spaces are required for the Drift Inn Hotel and associated uses. A minimum of 27 parking spaces shall be maintained and located outside of the public right-of-way not farther than five hundred (500) feet from the building or use they are required to serve, measured in a straight line from the building.
3. **Additional Parking Conditions.**
 - a. 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.
 - b. 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 pedestrian facilities.
 - c. Off-street parking areas adjacent to residential uses shall be designed to minimize disturbance of residents. Where off-street parking areas are at or near the same grade as adjacent residences the applicant shall construct a sight-obscuring fence or sight-obscuring landscaping between the parking area and residential use.
 - d. Landscaped areas are encouraged within off-street parking areas to 'soften' the area and provide beautification.
 - e. 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.
 - f. Any lights provided to illuminate any public or private parking area shall be arranged so as to reflect the light away from any abutting or adjacent residential zone.
4. **Proposed Walkway Encroachment in the E. 2nd Street Right-of-Way**

Yachats Public Works has reviewed and approved the request for the applicant to construct a 2nd level walkway per submitted plans that encroach into the E. 2nd Street right-of-way. The approval to encroach into the public right-of-way is granted with the provision that if the public right-of-way is ever needed for public purpose, e.g. utility work, street widening, etc., the encroachment shall be removed by the owner of 142 N. Hwy if determined necessary by Public Works.

Submitted by,
Larry Lewis
City Planner



3100

109.73'

47.11'

42.95'

51.75'

3500

3700

3800

92.3'

3600

47.3'

4100

47.3'

4000

53.6'

/

57.9'

81'

60'