

June 5, 2018

To: Yachats Planning Commission

From: Larry Lewis, City Planner

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

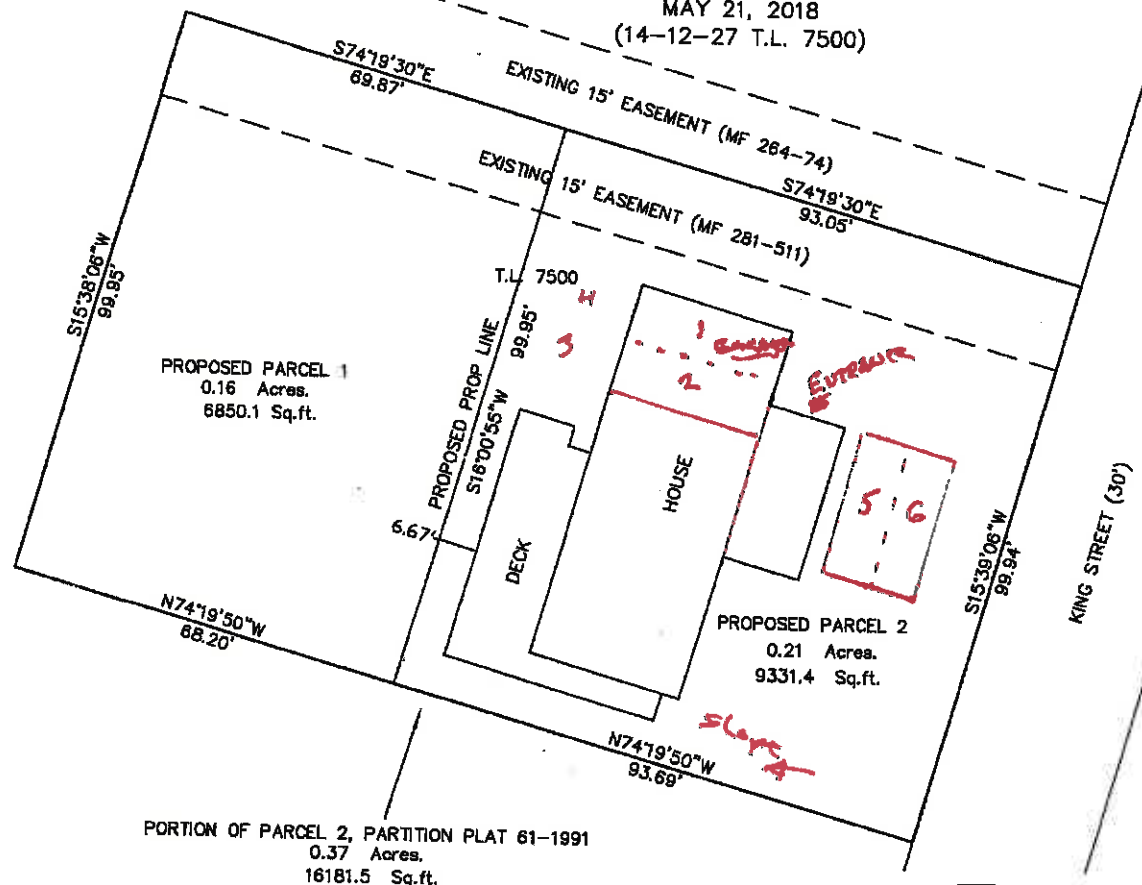
At the May 15, 2018 Planning Commission public hearing on Case File #1-PAR-PC-18 testimony called attention to the existing structure on the property being a duplex. The Planning Commission continued the public hearing to the June 19th meeting in order to evaluate the request based on the existing structure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



Red = parking spaces
 1 → 6 potential



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

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



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

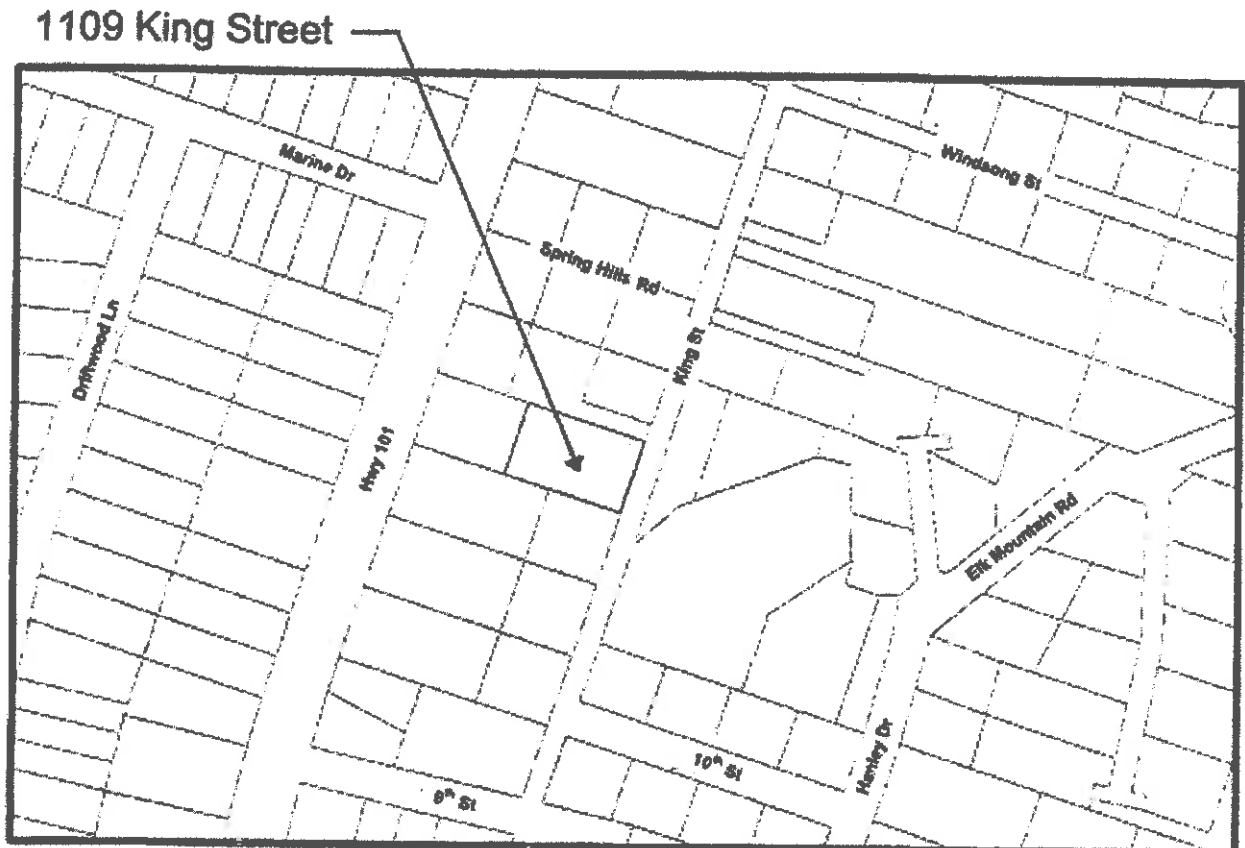
STAFF REPORT

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.

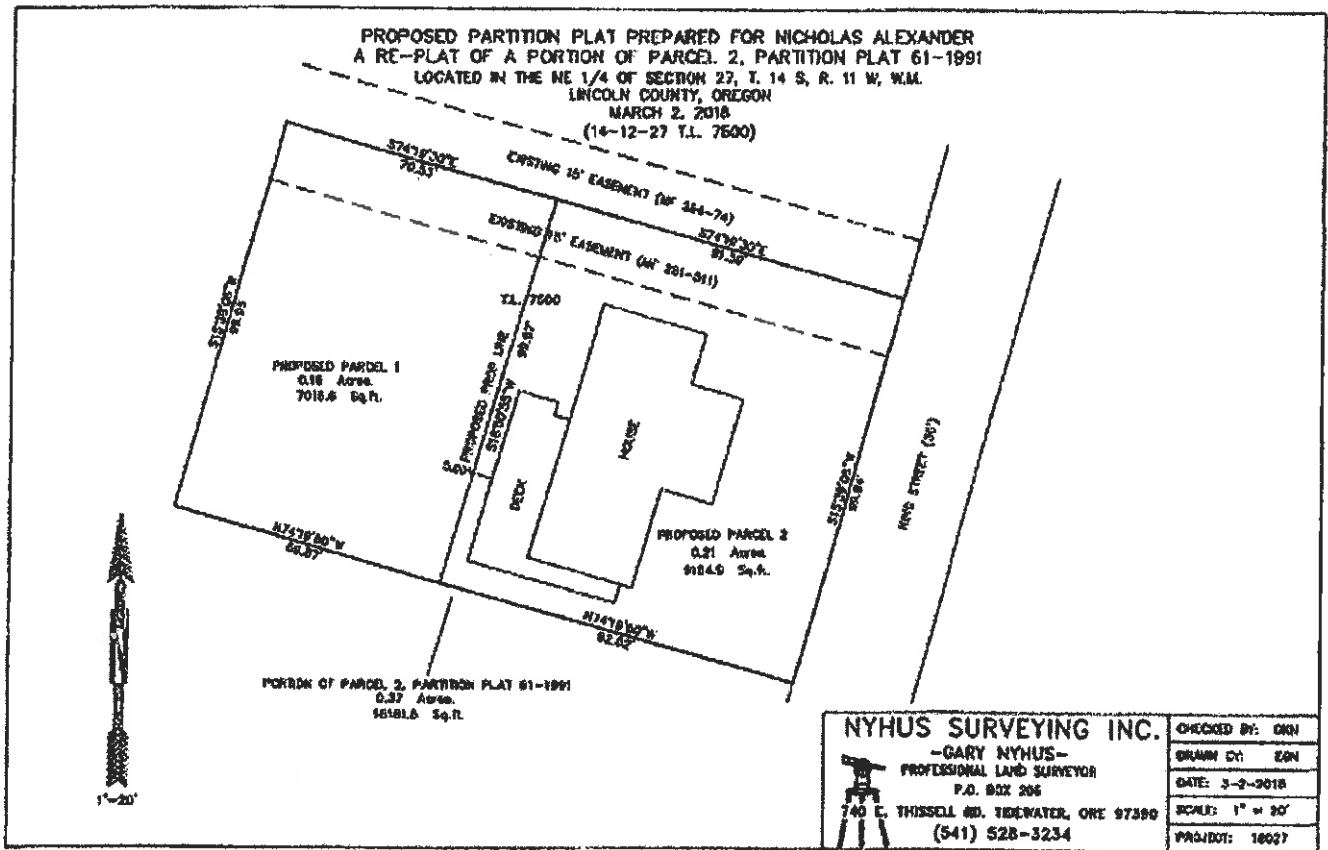


3. Zoning: Residential Zone R-3
4. Plan Designation: Residential
5. Lot Size: The existing lot totals approximately 16,181 square feet.
6. Existing Structures: One single family dwelling.

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.

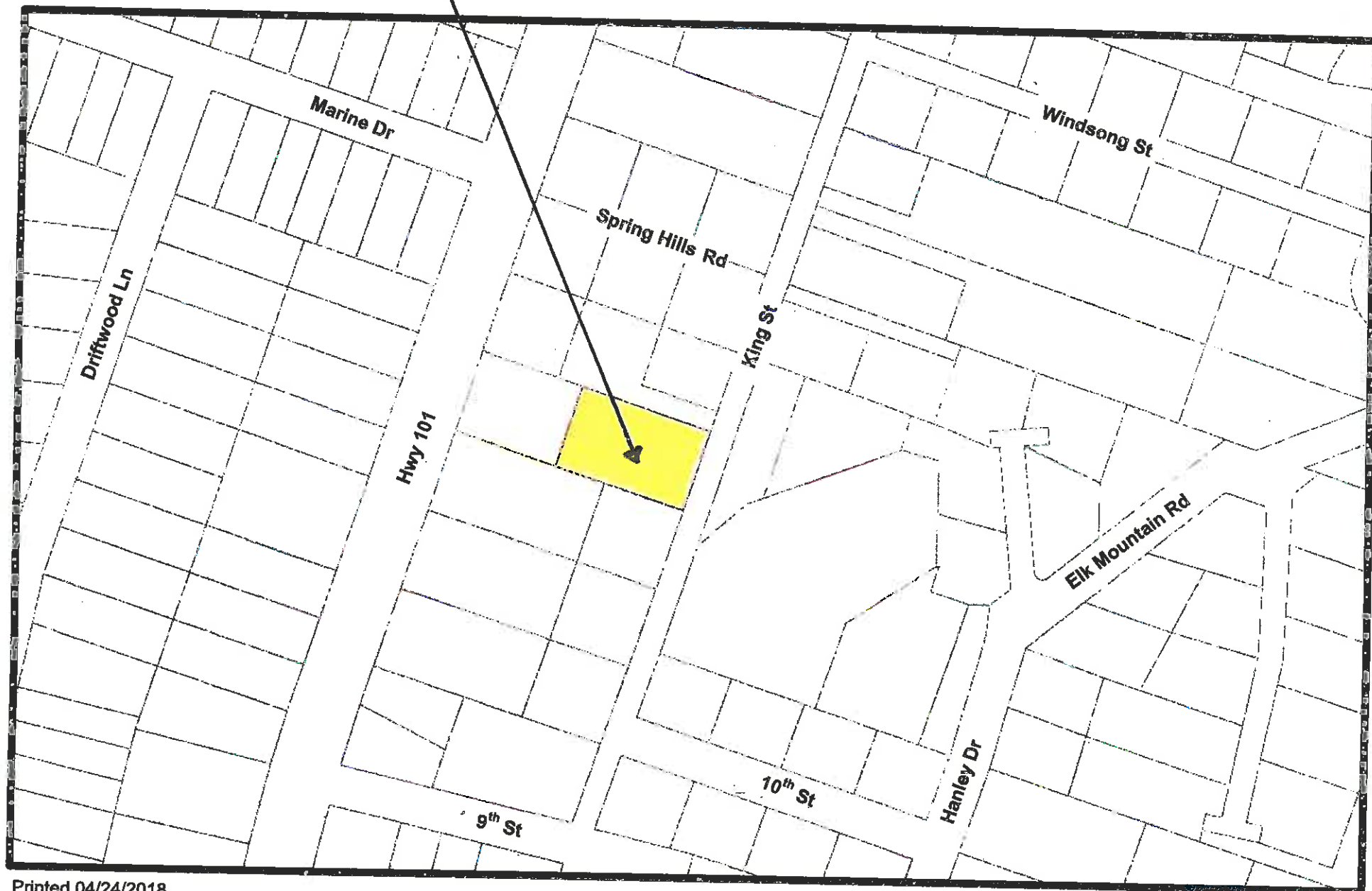
2. Parcel 1 shall have access and utility easements across the northerly 15 feet of Parcel 2 and across the southerly 15 feet of the adjacent lot to the north. The easements shall be shown on the partition plat.
3. Parcel 2 shall maintain the 15 foot wide easement for access and utilities across the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

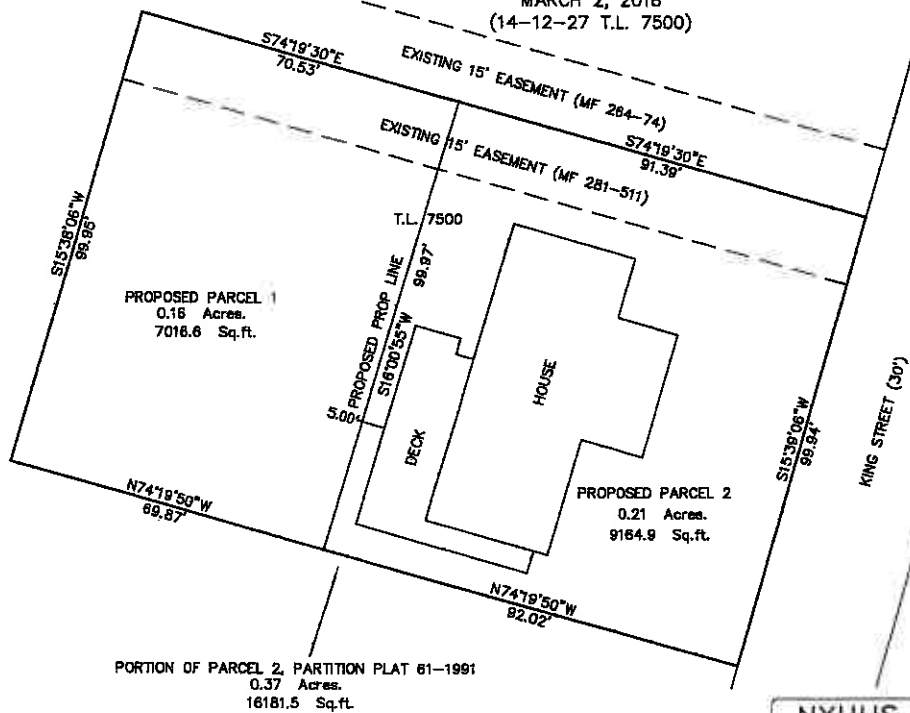


Printed 04/24/2018

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



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 build 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

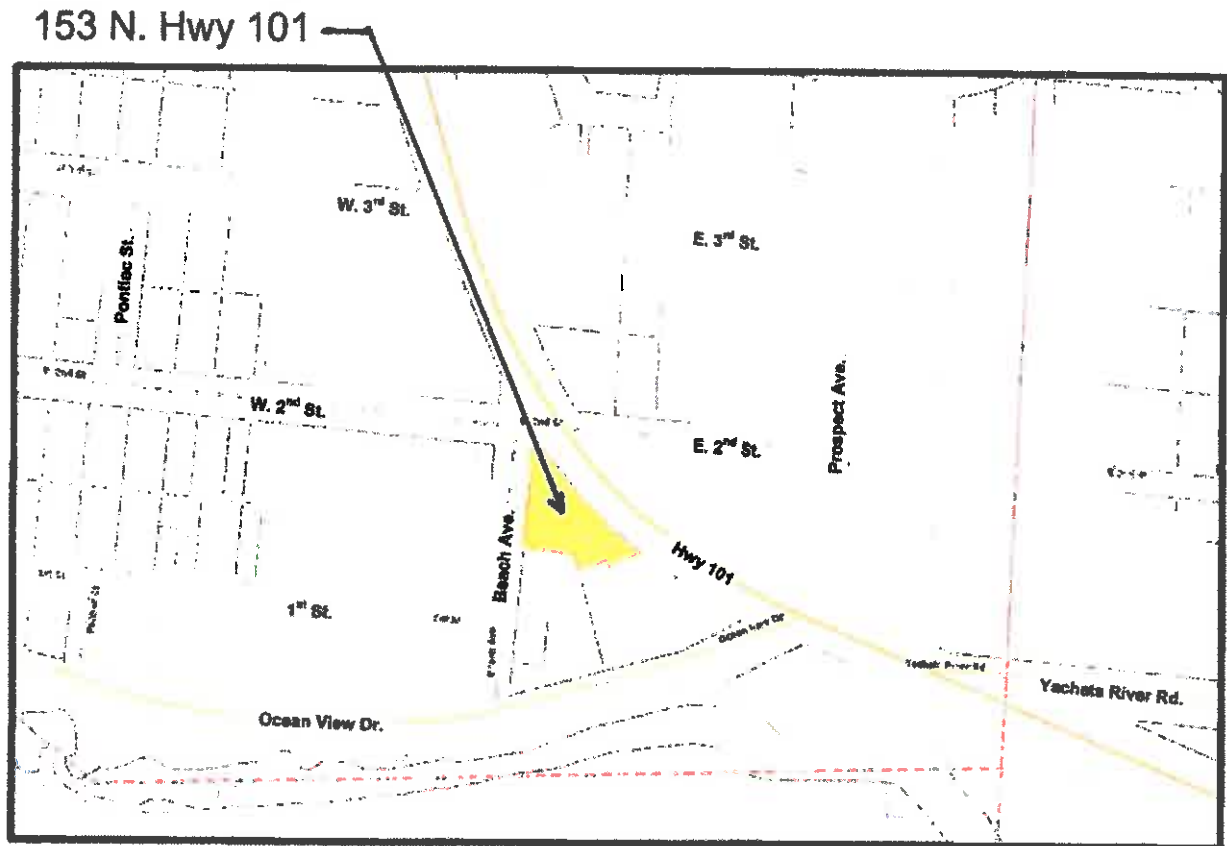
STAFF REPORT

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.

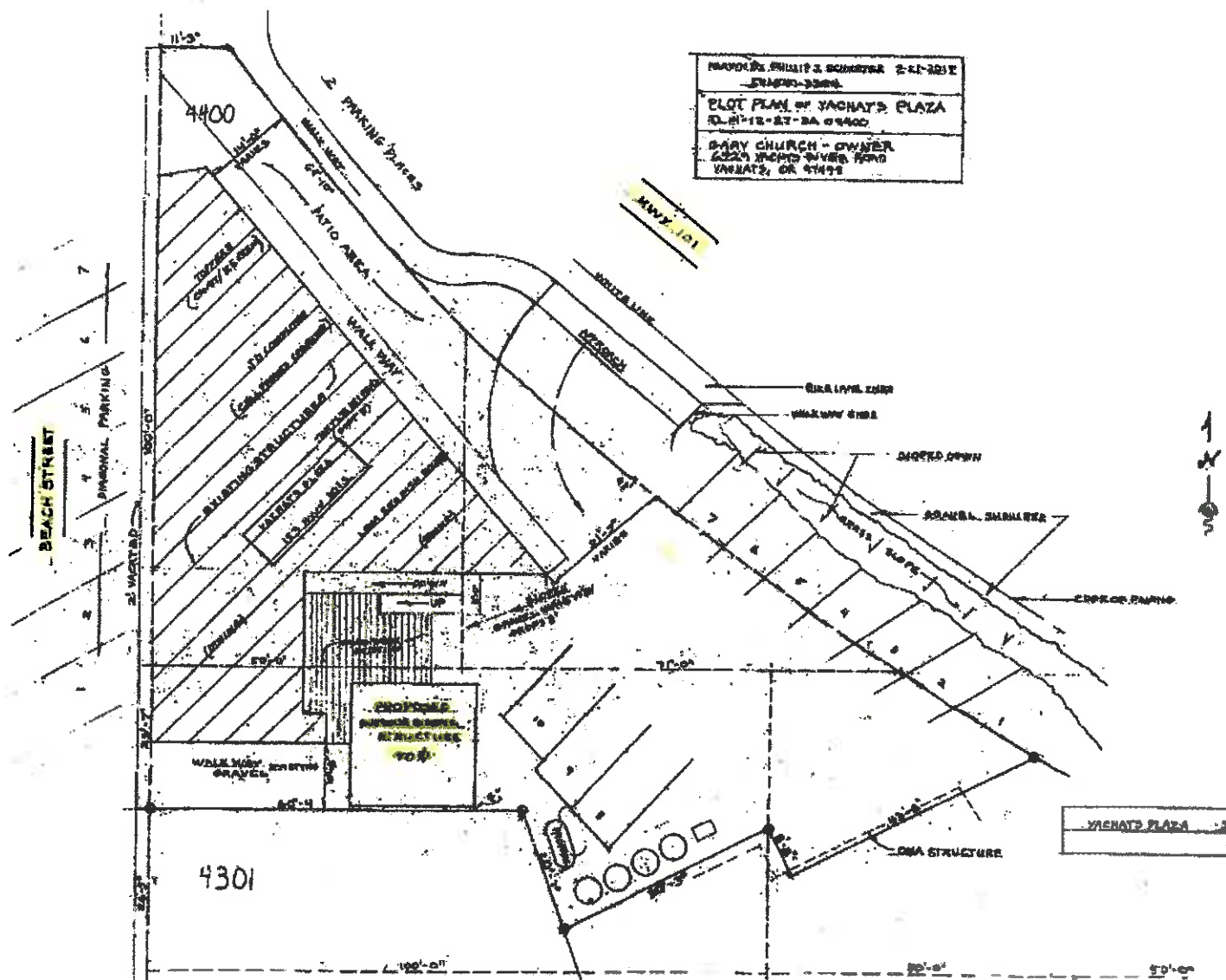
Considering that after the 101 compliance road work was completed, Luna Sea's parking lot was then reconfigured to make maximum use of the remaining available parking area. Their gas tank, rubbish and recycling containers take up a large area on the lot. Walkways to access the basement storage and walkways 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 lose tourists and the city will lose 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



- ### C. STAFF ANALYSIS

- Page 5 of 7

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:

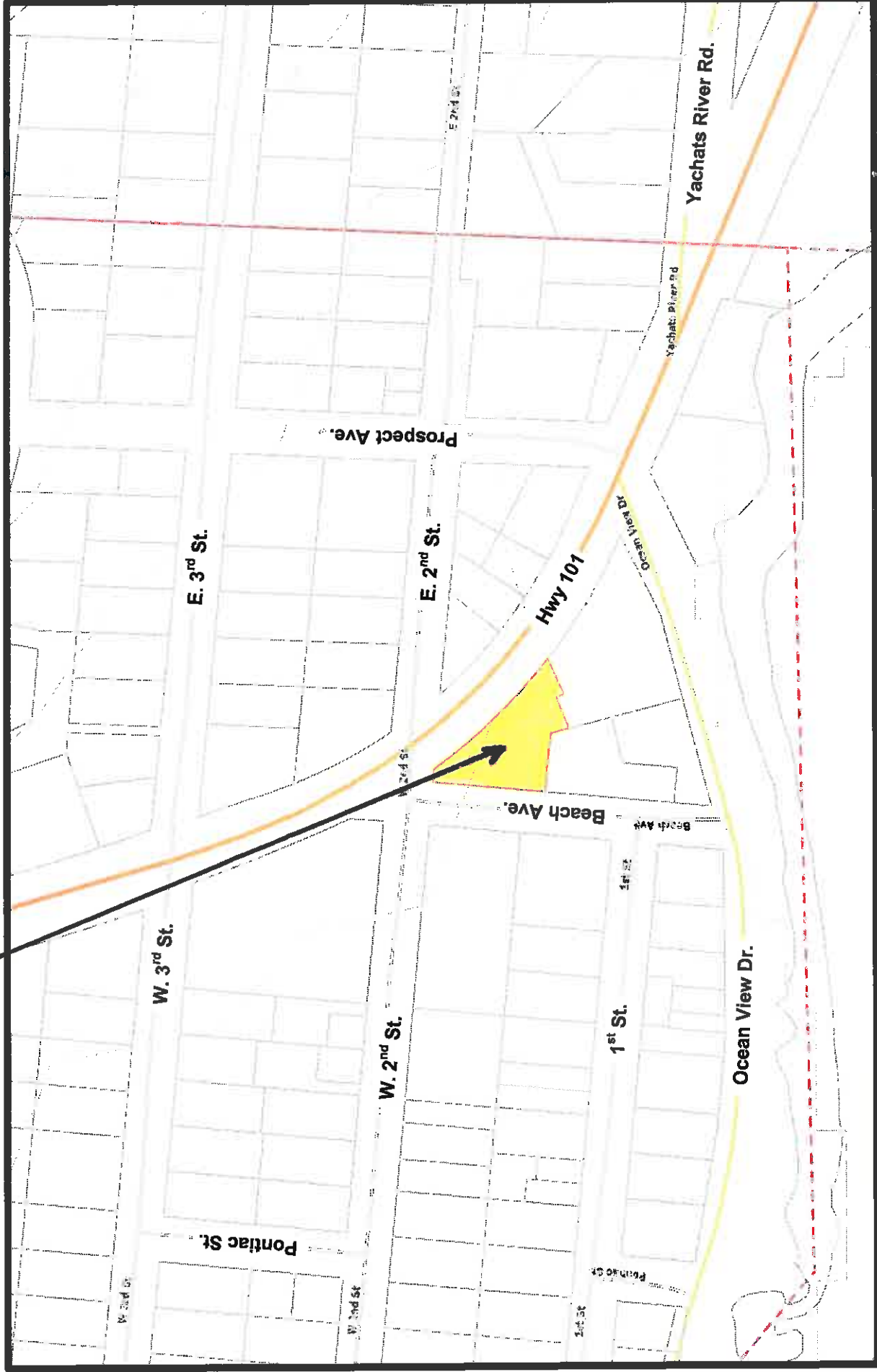
1. Development shall be in accordance with the proposed plan including construction of a proposed outdoor dining structure not to exceed 400 square feet.
2. The ten existing on-site parking spaces shall be maintained.
3. Any future expansion or change of use will require evaluation of parking requirements.

Submitted by,

Larry Lewis
City Planner

Enclosures: Vicinity Map
Aerial Photograph
Site Plan
Applicant Narrative

153 N. Hwy 101



Printed 05/29/2018

Lincoln County government use only. Use for any other purpose is entirely at the risk of the user.

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.



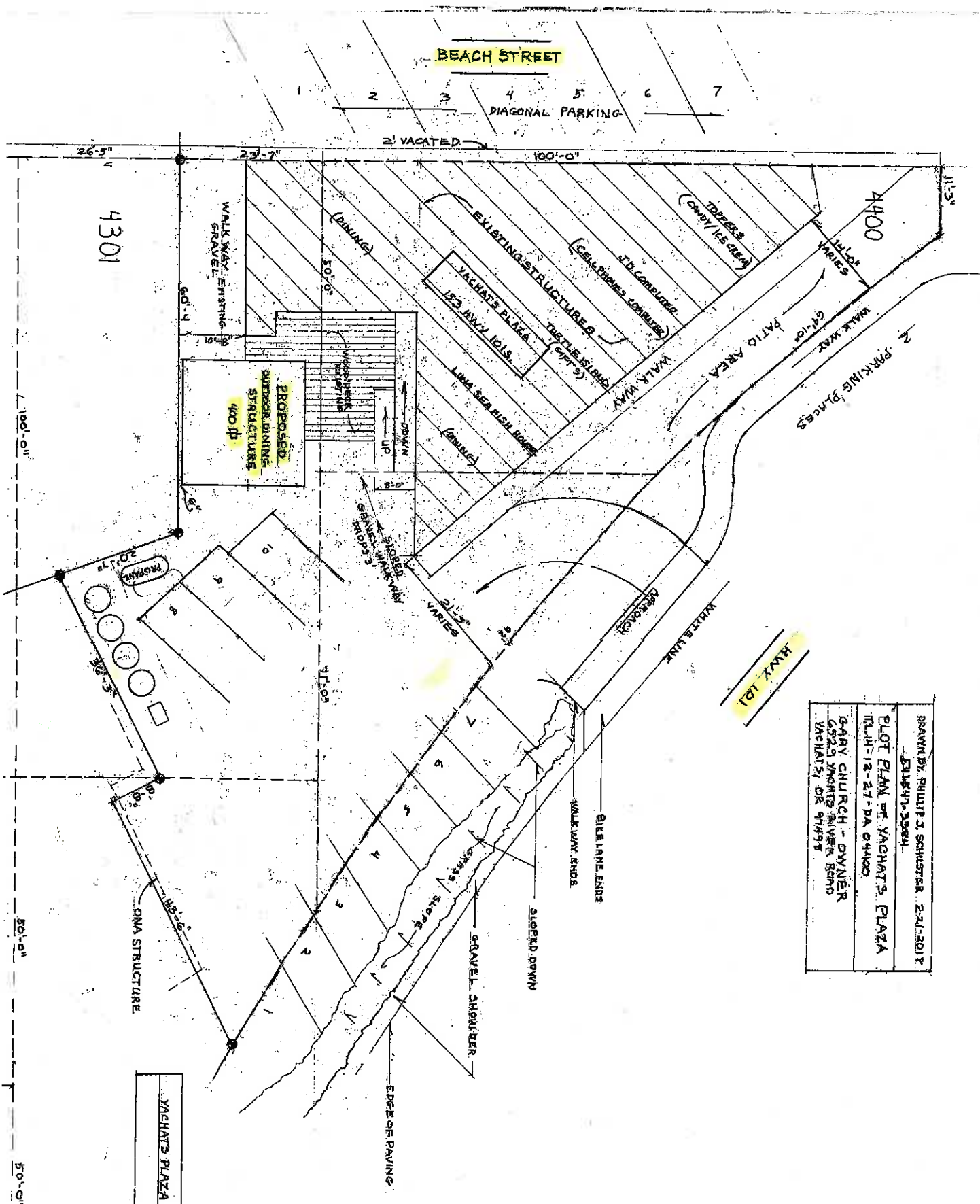


Printed 06/05/2018

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



W 2ND STREET



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