

Case File: #1-CU-PC-22  
Date Filed: September 19, 2022  
Date Application Deemed Complete: September 19, 2022  
120-Day Completion Date: January 17, 2023  
Hearing Date: November 15, 2022  
Previous Action: #1-CU-PC-21

## STAFF REPORT

### Conditional Use Application

**APPLICANT: Drew Roslund for Grand Pacific LLC**

#### A. REPORT OF FACTS

1. **Property Location:** The subject property is located at 1881 Highway 101 N and described on the Lincoln County Assessor's Map 14-12-22-DD as Tax Lot 3101.
2. **Applicant's Request:** The applicant is requesting a conditional use permit for the placement of up to four (4) park model homes to be used solely for workforce housing for employees of the Overleaf Lodge and Fireside Motel.
3. **Zoning:** Residential Zone R-4
4. **Plan Designation:** Multi-family Residential
5. **Lot Size and Dimensions:** The subject property totals 1.89 acres (or 82,328 square feet) with approximate dimensions of 175 x 470 feet.
6. **Existing Structures:** None. There are five (5) RV spaces approved for the subject property.
7. **Topography and Vegetation:** The subject site is relatively flat with a 2% downward slope from east to west. The property is landscaped with grass, shrubs and mature trees.
8. **Surrounding Land Use:** Surrounding land uses consist of primarily single-family residential use to the south, the Fireside Motel and Overleaf Lodge to the west, Overleaf Village (a single-family residential PUD) to the north and Sea Aire Assisted Living facility to the east.
9. **Utilities:**  
Water & Sewer: City of Yachats  
Electricity: Central Lincoln PUD
10. **Development Constraints:** None.

## B. EVALUATION OF REQUEST

1. **Applicant's Proposal:** The applicant submitted the required application form and fee, a narrative addressing applicable ordinance standards and the proposed use for the site, and several site plans.
2. **Relevant Yachats Municipal Code (YMC) Criteria:**

### YMC Chapter 9.04.030 Definitions

“Manufactured dwelling” means:

1. A residential *trailer*, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962;
2. A mobile home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction;
3. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

“Manufactured dwelling park” means any place where four (4) or more manufactured dwellings as defined in [ORS 446.003](#) are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or to offer space free in connection with securing the trade or patronage of such person.

### **Note: ORS 446.03 (21) says**

- (a) “Manufactured dwelling” means a residential trailer, mobile home or manufactured home.
- (b) “Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code, the Low-Rise Residential Dwelling Code adopted pursuant to [ORS 455.100 \(Duties of director\)](#) to [455.450 \(Prohibited acts\)](#) and [455.610 \(Low-Rise Residential Dwelling Code\)](#) to [455.630 \(Enforcement\)](#) or the Small Home Specialty Code adopted under section 2, chapter 401, Oregon Laws 2019.

### YMC Chapter 9.24 R-4 Residential Zone

#### 9.24.030 Conditional Uses

D. Manufactured dwelling park, subdivision and P.U.D;

N. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or zones than the buildings and uses

specifically listed, provided that retail sales uses, unless specifically listed, shall only be incidental and directly related to the operation of permitted uses;

**YMC Chapter 9.72 Conditional Uses**

**Section 9.72.010 Authorization to grant or deny conditional use permits.**

Conditional uses listed in this title may be permitted, enlarged, altered or denied by the Planning Commission in accordance with the standards and procedures set forth in this chapter.

- 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.
- B. In permitting a conditional use or the modification of a conditional use, other than a manufactured dwelling, manufactured dwelling park or multifamily dwelling, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this title, additional conditions which are considered necessary to protect the best interests 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.

- C. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use or a nonconforming use, a change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.
- D. The Planning Commission may require that the applicant for a conditional use furnish the City with a performance bond of up to the value of the cost of the improvement to be guaranteed by such bond, in order to assure that the conditional use is completed according to the plans as approved by the Planning Commission. (Ord. 175, 1995; Ord. 73E § 10.010, 1992)

**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.

**Section 9.72.050 Standards and procedures governing conditional uses.**

This section contains no specific standards for manufactured dwelling or recreational vehicle parks.

**YMC Chapter 9.68.030 Manufactured dwelling parks**

A. Compliance Required. No land within the City shall be developed for use as a manufactured dwelling park and no plan for such park shall be filed or recorded until submitted to and approved by the Planning Commission.

- B. Permitted Locations:
  - 1. Residential zone R-3;
  - 2. Residential zone R-4;
  - 3. Commercial zone C-1.

**Applicant Response: The subject property is zoned R-4.**

C. Standards for Manufactured Dwelling Parks. Manufactured dwelling parks may be permitted provided they meet the requirements of Chapter 446, Oregon Revised Statutes, and the standards of the Oregon State Board of Health. In addition, the following standards shall apply:

- 1. Public utilities underground;

**Applicant Response: Public utilities will be underground.**

- 2. Maximum of twelve (12) manufactured dwellings per acre;

**Applicant Response: There will be fewer than 12 units per acre.**

**Staff Response: 4.75 units per acre are proposed. This calculation includes the 5 RV**

*sites previously approved.*

3. Minimum size of park, two (2) acres excluding street rights-of-way;

**Applicant Response: While tax lot 3101 is 1.89 acres and does not quite meet this standard, there are two other tax lots, 3201 and 3300 that are immediately adjacent to and north of tax lot 3101. See Exhibit A. If we must, either or both of these two adjacent tax lots can be added to this application. Both of these are owned by Grand Pacific LLC.**

4. A minimum of two thousand five hundred (2,500) square feet per manufactured dwelling space;

*Staff Response: 9,147.6 square feet per unit is proposed. This calculation includes the 5 RV sites previously approved.*

5. Setbacks and lot coverage must comply with the zone in which it is located;

**Applicant Response: All houses will meet the setbacks as identified in the ordinance. The maximum foot print of a park model is 450 square feet. Therefore we are proposing a maximum coverage of less than 2000 square feet. The lot size is 1.89 acres which equates to approximately 82,300 square feet.**

*Staff Response: The detailed plot plan (Exhibit B) shows 5 RV sites at 35'x65' each and 4 home sites at a maximum of 450 sq ft each. The required setbacks are 10 feet on the side yards (see YMC Chapter 9.68.030 C(10)), 20 feet on the front, 10 feet on the rear. Each site meets or exceeds front, rear and side yard setbacks required in the R-4 zone.*

*The R-4 zone allows for 45% lot coverage. On a 1.89 acre lot, allowable lot coverage is approximately 37,047 square feet. The total footprint of all 9 sites proposed is 13,175 square feet, or 16%.*

6. Each access road connecting with a public street shall have a surface width of at least thirty-six (36) feet and all other access roads shall have a surface width of at least twenty (20) feet. All access roads and parking areas and walkways shall be surfaced to minimum city road standards and be well drained;

**Applicant Response: Vehicle access is provided from a driveway on Highway 101. A copy of the permit obtained from ODOT is included with this application.**

*Staff Response: The proposed ODOT approach consists of a 50 foot apron that narrows to a 20 foot access road on the subject property. A gravel surface is acceptable by City standards.*

7. Pedestrian walkways shall be separated from vehicular ways and maintained to provide safe and convenient movement to all parts of the park and connect to ways leading to destinations outside the park. They shall be all-weather surfaced at least three (3) feet

wide;

**Applicant Response: Pedestrian walkways will be available to each home from the parking areas and the occupants will be able to access all parts of the Fireside and Overleaf properties the same way that guests and staff currently do.**

8. Developed recreation area shall be provided which contains a minimum of two thousand five hundred (2,500) square feet or two hundred (200) square feet per manufactured dwelling space, whichever requirement is the greater;

9. All areas not used for manufactured dwelling spaces, motor vehicle parking, traffic circulation, or service or community buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition. There shall be landscaping within the front and side setback area, and in all open areas of the manufactured dwelling park not otherwise used for manufactured dwelling park purposes;

**Applicant Response: All landscaping will remain in place except for that needed to be removed for clearing the parking spots, driveway, maneuvering area and utilities. In the 20-foot setback to Highway 101, we will plant trees and shrubs that will help obscure highway traffic and dampen noise too.**

10. All manufactured dwellings shall be located at least twenty (20) feet from the property boundary line abutting upon a public street or highway, sixty (60) feet from the center line of a state highway and at least ten (10) feet from the other boundary lines, except that when a sound deadening fireproof barrier, such as an earthen berm or brick wall is provided, the Planning Commission may allow the ten-foot setback to be reduced to five (5) feet;

*Staff Response: See C(5) above.*

11. Manufactured dwellings shall not be located closer than fifteen (15) feet from any other manufactured dwelling or permanent building within the manufactured dwelling park, nor closer than ten (10) feet to any park or roadway. Manufactured dwelling accessory buildings, when not attached to the manufactured dwelling, shall not be closer than six feet from any manufactured dwelling or structure;

**Applicant Response: Separation between buildings - Required separation between park models will meet all building code and fire prevention requirements.**

12. Ramadas, cabanas, awnings, carports and other attached structures shall be considered part of the unit for setback purposes;

13. Manufactured dwellings shall conform to foundation and tie-down standards as

set forth in Section 9.68.010;

**Applicant Response: The proposed park model homes will be constructed off site and delivered to our property. They will be placed, the wheels removed and the homes attached to concrete pads or foundations as required by the Lincoln County building department to meet the standards for homes with this proximity to the ocean. Additionally, we will upgrade the fasteners (staples and nails), water leak prevention and roofing to meet the environmental elements (wind, rain and salt air) of this location.**

14. Two (2) off-street parking spaces shall be provided at each manufactured dwelling site;

**Applicant Response: Two off street parking spots are assigned to each dwelling site.**

15. Buffering or screening, if required by the Planning Commission, shall be sight obscuring fence, wall, evergreen or other suitable planting at least six feet high, or higher;

16. A minimum of fifty (50) percent of the manufactured dwelling park spaces must be available for occupancy before the first occupancy is permitted.

D. Site and Development Plan.

***Staff Response: All satisfied by the application including (j) lighting and (r) drainage plan.***

1. All applications submitted for approval of a manufactured dwelling park development shall consist of four (4) copies of a development plan. Such plan shall be submitted at least six days before the meeting at which they will be reviewed and shall contain but not be limited to the following information:
  - a. Name of person who prepared the plan;
  - b. Name(s) of persons owning and/or controlling the land proposed for a park;
  - c. Name of manufactured dwelling park and address;
  - d. Scale and north point of the plan;
  - e. Boundaries and dimensions of the manufactured dwelling park;
  - f. Vicinity map showing relationship of manufactured dwelling park to adjacent properties and surrounding zoning;
  - g. Location and dimensions of each manufactured dwelling site, with each site designated by number, letter or name;
  - h. Location and dimensions of each existing or proposed building;
  - i. Location and width of manufactured dwelling park streets and pedestrian ways;
  - j. Location of each lighting fixture for lighting the park;
  - k. Location of recreational areas and buildings and common area;
  - l. Location and type of landscaping plantings, fences, walls or combination of any of

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these, or other screening materials;

- m. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities;
  - n. Location of available fire hydrants;
  - o. Enlarged plot plan of a typical manufactured dwelling space showing location of the stand, storage, space, parking, sidewalk, utility connections and landscaping;
  - p. The plan shall indicate positions of the manufactured dwellings so that the Planning Commission may determine entrances, setbacks, etc.;
  - q. The plan shall show the topography of the park site with contour intervals of not more than five (5) feet, except that the building official or planning director may require closer contour intervals;
  - r. A drainage plan.
2. At the time of application to construct a new manufactured dwelling park, the applicant shall submit, in addition to the above and as part of the development plan, four (4) copies of the following plans:
- a. A survey and plat of the property;
  - b. New structures;
  - c. A certification by the City water Director that water will be available from the nearest point of supply;
  - d. Methods of sewage disposal approved by the Department of Environmental Quality, State of Oregon, and/or certification by the City sewer Director of approval to connect to the City sewer system;
  - e. Method of garbage disposal.

E. Decision upon Development Plan. The Planning Commission may:

1. Deny or withhold approval if the project does not meet applicable standards for manufactured dwelling parks in this chapter;
2. Accept and approve the development by signing a statement of approval on the finished plan, for acceptance and approval by the City Council;
3. Approval will expire in one year unless the plan is substantially implemented.

F. Manufactured Dwelling Park License.

1. Signed approved copies of the development plan and all components thereof shall be forwarded to the City Recorder and city building official.
2. No license for occupancy of any manufactured dwelling park, or building or facility shall be issued by the City building official until such time as the development has been completed according to the finished plan approved by the Planning Commission. Deviations from the approved plan must be submitted to the Planning Commission for approval as revisions of the plan.

3. Licenses issued hereunder shall be valid for a period of one year and renewable thereafter, unless a shorter or longer time is noted and approved by the Planning Commission and the City Council on the signed approved copies of the development plan.

G. Basic Provisions and Regulations.

1. Fire Hazards. The owner of the park shall be responsible to maintain the park free of dry brush, leaves and weeds which might communicate fires between manufactured dwellings and other buildings in the park.
2. Fire Hydrants. Approved fire hydrants shall be installed so that all manufactured dwellings, recreational vehicles and other structures are within three hundred (300) feet down the center line of an approved fire hydrant.
3. Label of Compliance. All manufactured dwellings installed in manufactured dwelling parks



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after the effective date of the ordinance codified in this title shall bear a label from the Department of Housing and Urban Development indicating compliance with electrical, plumbing and structural standards as set forth by H.U.D.

4. Inspections. The building official shall check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance. If it is not in compliance, the owner must make whatever repairs are required before a license or license renewal for the park will be issued. An extension of time to make repairs may be allowed by the Planning Commission, if it can be shown that risk to the public health, safety or welfare will not be created by this extension, for a period not to exceed one year, by the granting of a temporary emergency license.

5. Management Responsibility. Either the owner, an operator or resident manager or similar supervisor or representative of the owner shall be available and responsible for the direct management of the manufactured dwelling park.

6. Telephone. At least one public telephone for the use of the park residents shall be provided and available for use at all times.

7. Water and Sewer Connections. All manufactured dwellings, service buildings, etc., shall be connected to the City sewer and water systems in a manner that provides these services to the same degree as other residents of the City. (Ord. 175, 1995; Ord. 73E § 9.030, 1992)

**3. Relevant Yachats Comprehensive Plan Criteria:**

**Goal G: Control of Urban Growth and Form**

Policy 6. The City shall, through development regulations, ensure that new development shall be of an appropriate scale to retain and enhance the small-town, ocean side character of the Yachats community.

Policy 7. The City shall encourage improvement of the community's visual character.

**Goal J: Meeting Housing Needs**

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

**E. STAFF ANALYSIS**

**1. The Request and the R-4 Residential Zone**

The applicant is requesting a conditional use permit to place four park model homes on 1.89 acres in the R-4 Residential Zone. The Yachats Municipal Code provides a definition and standards for a manufactured dwelling park as a conditional use in the R-4 zone. The applicant applied for and received a conditional use permit in June of 2021 for a 5-unit "manufactured dwelling/recreational vehicle park". This application is basically a second phase of that 2021 project.

**2. Public Testimony Received**

At the time this staff report was prepared, the City had not received any written testimony.

### 3. Proposed Lot Line Adjustment

The applicant has submitted a proposal for a property line adjustment that affects Tax Lots 3000, 3100 and 3101. Maps of the existing and proposed tax lots are attached. Tax Lot 3101 (the subject property) would remain at 1.89 acres so no calculations of lot coverage, density, etc would be affected.

### 4. Agency Comments

Both the Yachats Public Works Department and the Yachats Rural Fire Protection District have reviewed the application and have no concerns at this time.

### 5. Conditional Use

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. In permitting a conditional use the Planning Commission may impose conditions which are considered necessary to protect the best interests of the surrounding city as a whole.

YMC Chapter 9.68.030 describes standards for manufactured dwelling parks. The standards are listed above followed by a response from the applicant and/or staff.

## 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) Where the proposed conditional use abuts a residential zone, a fence, evergreen hedge, wall or landscaping shall be constructed and maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy (70) percent of the view between the zones. The buffer shall not be less than five (5) or more than eight (8) feet in height, except where vision clearance would be interrupted.
- 2) If the proposed property line adjustment is not completed, all required setbacks shall be applied to the existing lot lines. If the proposed property line adjustment is completed, all required setbacks shall be applied to the new lot lines.

Submitted by,

Katherine Guenther  
City Planner

Enclosures: Conditional Use Permit application including site plans and narrative  
Proposed Property Line Adjustment maps