

**BEFORE THE PLANNING COMMISSION
OF
YACHATS, OREGON**

**Request for 2-Lot Partition
Applicant: Gordon & Shirley Good**

Case File #6-PAR-PC-06

FINDINGS AND CONCLUSION

Nature of the Application

The applicant proposes to partition the existing 0.42 acre lot (approximately 18,396 square feet) into two lots. The northerly lot is proposed to be approximately 9,291 square feet and the southerly lot is proposed to be approximately 9,105 square feet.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

- A. The subject property is located at 540 Yachats Ocean Road and further identified on Lincoln County Assessors Map #14-12-34AC as tax lot 4701. The west side of the property fronts Yachats Ocean Road and the east side fronts Highway 101.
- B. Tax lot 4701 is nearly triangular shaped with 229.10 feet of frontage along Yachats Ocean Road and 258.5 feet of frontage along Highway 101.
- C. The subject property is zoned R-4 Residential with a comprehensive plan map designation of residential.
- D. A single family dwelling is located on the northern portion of the site (on the proposed northern lot).
- E. Single family dwellings are located north, south, west, and east across Highway 101.
- F. City water and sewer services are available to the property.
- G. A drainage way traverses the proposed southerly lot from Hwy. 101 on the east side of the lot to Yachats Ocean Road on the west side. The drainage way collects storm water from a culvert that extends under Hwy. 101.
- H. The applicant submitted the application form, fee, description of the property, and boundary survey of the existing property and proposed 2-lot partition.
- I. A public meeting was held before the Yachats Planning Commission on December 19, 2006 at 7:00 p.m. in order to consider the applicant's request. Due notice of the meeting was given and all interested parties were given an opportunity to present testimony. The applicant presented testimony at the public hearing which is herein incorporated into the record.
- J. No written or oral testimony was provided.
- K. The Yachats Public Works Director stated that water and sewer services are available to the southerly lot; that the drainage way may be relocated pending adherence to any other agency provisions, i.e. Oregon Dept. of State Lands; and that Yachats Ocean Road is under the

jurisdiction of the Oregon Parks and Recreation Department (OPRD) therefore the property owner/developer of the southerly lot will need to obtain access permission from OPRD.

Relevant Criteria

A. Yachats Municipal Code Chapter 9. 42.020 R-4 Residential Zone Standards

- 1) Lot Size and Dimensions
 - a. The minimum lot area shall be 6,000 square feet for a one-family dwelling; 7,500 square feet for a two-family dwelling; 5,000 square feet for the first dwelling unit and 2,500 square feet for each additional unit in a multifamily dwelling.....
 - b. The minimum lot width at the front building line shall be 60 feet for an interior lot and 65 feet for a corner lot when the lot is served by both a public water supply and public sewage system.
 - c. Not applicable (for lots not served by public sewer).
 - d. The minimum lot area per resort, hotel or motel quest unit shall be 1,500 square feet with a public water and sewer system.
 - e. The minimum lot depth shall be 80 feet.
- 2) Yards. The minimum yard requirements in the R-1 zone shall be as follows:
 - a. Front yard shall be a minimum of twenty (20) feet.
 - b. 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.
 - c. The street side yard shall be a minimum of twenty (20) feet.
 - d. 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. Accessory buildings shall be set back not less than five feet from the rear property line.

B. Yachats Municipal Code Chapter 9.56.00A Partitions, Section 9.56.020 General Requirements and Minimum Standards of Design and Development

- 1) Conforms with the Comprehensive Plan.
- 2) Partitioning of land shall provide each lot, by means of a public or private street, satisfactory vehicular access to an existing street.
- 3) Relation to adjoining street system.
- 4) Easements – 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.
- 5) Public access ways may be required by the Planning Commission when necessary for public convenience and safety.
- 6) Lots and Parcels:
 - a. 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.

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- b. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.
- c. Lots and 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.
- d. Lot and parcel sizes and dimensions shall conform to the requirements for lot size and area of the zoning classification in which the partition is located. In no case shall a lot or parcel have an average depth less than eighty (80) feet.
- e. 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.

Findings

The following is a summary of the Planning Commission findings:

1. Relevant Lot Standards.

The following table identifies the relevant lot standards and the proposed 2-lot partition.

Standard	Minimum Requirement	Proposed Northerly Lot	Proposed Southerly Lot
One-family Lot Size	6,500 sq. ft.	9,291 sq. ft.	9,105 sq. ft.
Two-family Lot Size	7,500	9,291 sq. ft.	9,105 sq. ft.
Multi-family Lot Size	10,000 (for 3-family dwelling)	9,291 sq. ft.	9,105 sq. ft.
Lot width at front bldg. line	60 ft.	82 ft.	154 ft.
Lot depth	80 ft.	108 ft.	61 ft.
Lot Depth-to-Width Ratio	Max. 2.50 : 1.00	1.31 : 1.00	0.40 : 1.00
Front Yard (Yachats Ocean Rd.)	20'	Existing Bldg: 28' Existing Deck: 15'	NA (No existing bldg.)
Rear Yard (Hwy. 101)	20' (from property line) and 60' from Hwy. 101 centerline	Existing: 27' and 67' from Hwy. 101 centerline	NA
Side Yard	Min. 5' or 1' ² / ₃ ' of bldg. ht.	North Side: 17' South Side: 25'	NA
Lot Coverage	45%	20%	NA

Proposed Northerly Lot. The above table demonstrates that the proposed northerly lot meets the standards for development of a one-family or two-family dwelling. There is an existing single family dwelling on the lot. The maximum lot depth-to-width ratio and yard setbacks are satisfied with the exception of the front deck which has a nonconforming setback of 15' versus the required 20'.

Proposed Southerly Lot. The proposed southerly lot meets the standards for development of a one-family or two-family dwelling.

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The minimum lot width requirement is satisfied. The table identifies that the average lot depth is substandard to the minimum lot depth requirement, i.e. 61’ vs. 80’. Yachats Ocean Road is considered the front yard. The substandard depth is due to the nearly triangular shape of the proposed lot. The proposed lot has a depth of approximately 89.50’ on the northerly property line and 32.80’ on the southerly line. The southern portion of the proposed lot is practically unbuildable due to the nearly triangular shape and required setbacks. If the southern portion of the south lot is excluded from the lot depth calculation, the southerly lot can meet the minimum 80’ lot depth standard. The Planning Commission finds that in order to meet the minimum lot depth requirement the southern portion of the lot is determined to be unbuildable. The average lot depth of the buildable area shall meet the minimum 80 foot depth standard. The unbuildable portion of the lot shall be noted on the partition plat.

2. Partitions. General Requirements and Minimum Standards of Design and Development

The following table identifies the applicable partition standards and the proposed partition.

Standard	Proposed Partition
Conforms with Comprehensive Plan	The proposed lots conform to the Comprehensive plan re: land use, transportation, etc. goals and policies.
Access by means of a public or private street	The proposed lots are proposed to be accessed off Yachats Ocean Road (see additional discussion below).
Easements	It is recommended that a storm drainage easement be provided to the City from Highway 101 to Yachats Ocean Road.
Public access ways	No apparent public access ways are needed.
Min. 25 feet of street frontage unless the Planning Commission grants otherwise.	Each proposed lot has greater than 25’ of street frontage.
Side lines perpendicular to street	Side lines are perpendicular to Yachats Ocean Road and Highway 101
Water and sewer availability	City staff identifies that water and sewer services currently service the existing house on the northern lot and are available to the southerly lot.

4. Access

The existing dwelling has access from Yachats Ocean Road. The new lot will need to have access from Yachats Ocean Road because it is highly unlikely that ODOT would allow access from Highway 101. Yachats Ocean Road is under the jurisdiction of the Oregon Parks and Recreation Department (OPRD). Prior to final plat approval, the property owner/developer of the southerly lot shall obtain permission for access from OPRD.

5. Drainage

A drainage way traverses the property from Highway 101 on the east side of the property to Yachats Ocean Road on the west side of the property. Prior to development of the southerly lot, the property owner/developer will need to demonstrate whether or not a removal-fill permit is required from the Oregon Department of State Lands (DSL) if alteration to the existing drainage way is proposed. In any event, plans for storm drainage will need to be reviewed and approved by the City’s Public Works Director. The Public Works Director has stated that rerouting the existing drainage way is possible, e.g. to the unbuildable portion of the lot, as long as DSL requirements are adhered to.

Conclusions

Based on the above facts and findings, the Yachats Planning Commission finds:

- A. The site under consideration is suitable for the proposed two-lot partition considering the conceptual design and location.
- B. The proposed use and site plan for the two-lot partition are compatible with existing and projected uses on surrounding lands.
- C. The two-lot partition use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, and does not constitute an unusual fire, explosion or other physical hazard.
- D. This application and conceptual plan for a two-lot partition satisfy the provisions of the plan and is approved with conditions by the Planning Commission unless a substantial change to the proposed plan occurs.

Order

It is ORDERED by the Yachats Planning Commission that the requested two-lot partition for Case file #6-PAR-PC-06 be and is hereby approved. Said approval is subject to the following conditions:

1. A 2-lot partition is approved in conformance with the submitted plan.
2. 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.

The plat shall identify that the southern portion of the southern lot is not buildable due to lot depth and setback requirements. The buildable portion of the south lot shall have a minimum average lot depth of 80 feet. The unbuildable area for the southerly lot shall be identified and recorded in the deed records of Lincoln County.

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.

3. Prior to final plat approval, the applicant shall provide a copy of Yachats Ocean Road access approval for the southerly lot from the Oregon Parks and Recreation Department.
4. The applicant shall provide a minimum 10 foot wide storm drainage easement to the City (minimum 5 feet on both sides of the drainage way) for the existing drainage way and for any future rerouted drainage way. At the time the southerly lot is proposed to be developed, the applicant shall obtain storm drainage plan approval from the Yachats Public Works Director and other agencies, if applicable.

This ORDER was presented to and approved by the Yachats Planning Commission on December 19, 2006.

Lawrence Musial, Yachats Planning Commission Chair

Date