

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

**Request for Increased Density**

**Aqua Vista Square, LLC**

**FINDINGS AND CONCLUSION**

**Applicant:** Aqua Vista Square, LLC

**Nature of the Application**

The applicant is requesting a mixed-use development consisting of approximately 1,500 square feet of commercial space and six multi-family residential units. The maximum density permitted outright in the C-1 Commercial Zone is 2,500 square feet of land per multi-family dwelling. The density may be increased if the developer is willing to yield to the Planning Commission's design control. The applicant is requesting a density of 2,223 square feet of land per multi-family dwelling.

**Relevant Facts**

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

- A. **Property Location:** The subject property is located at the southwest corner of Hwy. 101 and Aqua Vista Loop, and further identified on Lincoln County Assessors Map 14-12-27AA as tax lots 1308 and 1309.
- B. **Zoning:** Retail Commercial Zone C-1
- C. **Plan Designation:** Commercial
- D. **Lot Size and Dimensions:** The site currently consists of two tax lots. Each tax lot consists of 6,744 square feet with dimensions of 67.44' x 100'. The two tax lots total 13,488 square feet with dimensions of 134.88' x 100'.
- E. **Existing Structures:** None.
- F. **Surrounding Land Use and Zoning:** Surrounding land uses are primarily single family residential. Existing zoning is C-1 Retail Commercial to the north and south along the Highway 101 frontage. R-1 Residential zoned land is adjacent to the west, and R-3 Residential zoned land is across Highway 101 to the east.
- G. **Existing Utilities:**  
Water & Sewer: City of Yachats  
Electricity: Central Lincoln PUD
- H. **Development Constraints:** None identified.
- I. **Applicant Submittal:** The applicant submitted a letter with a project overview and description of the density request. A Pre-Marketing Informational Booklet was also provided that includes a narrative;

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key project information; concept site plan, floor plans, aerial views, and building elevations; preliminary pricing; and a description of “Our Coastal Village Affordable Housing Program”.

- H. A public meeting was held before the Yachats Planning Commission on July 26, 2010 at 3:00 p.m. in order to consider the applicant’s request. The applicant presented testimony and answered questions at the public hearing. Six people provided public comment at the July 26, 2010 Planning Commission meeting.

**Relevant Criteria**

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

**Section 9.28.010 Permitted uses.**

- O. Mixed use (commercial and residential). Principal use must be commercial 60 percent of ground floor. Second floor will be considered secondary use and may be 100 percent residential use. Any change in use must be reported on the business license application which will be reviewed by the planning commission or its designated representative for off-street parking and off-street loading requirements in Section 9.48.010.

**Section 9.28.030 Standards** (relevant to this application)

- A. Lot Size and Dimensions.
2. The minimum lot area per multifamily dwelling unit shall be 2,500 square feet with a public water and sewer system.
    - a. The minimum lot area per multifamily dwelling unit may be lowered to 1,500 square feet with a public water and sewer system if the developer is willing to yield to the planning commission design control.
- B. Building Height. No building in a C-1 zone shall exceed a height of 30 feet from finished grade or from natural grade, see Chapter 9.52.180.
- C. Lot Coverage. For nonresidential uses lot coverage may be 100 percent except all yards abutting a residential zone shall be a minimum of ten feet.
- D. No structure shall be located closer than 60 feet from the center line of any state highway, or 30 feet from the center line of any collector or arterial street.
- E. Yard Regulations. Yards are not required for nonresidential uses except where setbacks have been established for road widening, abutment to residential zones or other purposes. For residential uses, the minimum yard requirements which apply in the residential zones apply in the C-1 zone.
- F. Fences, Hedges, Walls and Landscaping. Where a commercial use abuts a residential zone, the planning commission may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least 70 percent of the view between the zones. The buffer shall not be less than five or more than eight feet in height, except where vision clearance would be interrupted. The planning commission’s review shall consider aesthetic and maintenance factors.
- G. 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.

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**Section 48.010 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 (Section 9.48).

- O. Off-Street parking space requirements:
  - 1. Residential dwellings: refer to specific zones for parking regulations (i.e. 1.5 parking spaces per residential dwelling as described in Section 9.24.040(E)).
  - 9. Retail store: one space for each 200 square feet of floor area.
  - 11. Office: one space for each 300 square feet of floor area.

**Findings**

The following is a summary of the findings:

**1. Proposed Development**

Aqua Vista Square is proposed to be a mixed use development consisting of approximately 1,500 square feet of commercial space and six residential units.

**2. C-1 Standards**

- a. **Density.** The maximum density permitted outright in the C-1 Commercial Zone is 2,500 square feet of land per multi-family dwelling. The density may be increased if the developer is willing to yield to the Planning Commission's design control. The applicant is requesting a density of 2,223 square feet of land per multi-family dwelling. The subject site totals 13,488 square feet. At 2,500 square feet per dwelling, 5.4 dwellings (rounded down to 5 dwellings) are permitted outright. The applicant proposes 6 dwellings.

In a request for increased density, there are no specific standards for the Planning Commission to consider when evaluating the design of the project. C-1 and parking standards assist the Commission in determining if the design adheres to applicable standards.

- b. **Building Height.** The maximum building height allowed in the C-1 zone is 30 feet. The building elevations show a maximum building height of 30 feet.
- c. **Adjacent Residential Zone Setback & Screening.** Residential zoned property is adjacent to the west of the subject site. Buildings in a nonresidential zone that abut a residential zone shall be setback a minimum of ten feet. The site plan identifies a 10 foot building setback from the west property line.

Where a commercial use abuts a residential zone, the planning commission may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least 70 percent of the view between the zones. The buffer shall not be less than five or more than eight feet in height, except where vision clearance would be interrupted. The planning commission's review considers aesthetic and maintenance factors.

The adjacent property owner contacted the City, provided testimony at the Planning Commission meeting, and requested screening along the west property line, i.e. fence and landscaping. The proposed drawings do not specifically show screening along the west property line however the Planning Commission may require this. The Planning Commission finds that a solid fence and landscaping shall be provided along the entire west property line. The fence shall be three feet in

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height along the first 16 feet from the Aqua Vista property line (16' is the building setback from the front property line) and six feet in height for the remainder of the property.

- d. Setback from Highway 101.** No structure shall be located closer than 60 feet from the center line of any state highway. A 20 foot building setback is required from the east property line (edge of highway right-of-way) in order to meet the 60 foot setback from the highway center line. A 20 foot setback is proposed.
- e. Landscaping.** The plans show landscaping, i.e. tree plantings, along the street frontages and some landscaping along the south and west property line. Aside from the request for landscaping and fencing along the west property line, the City received one request for landscaping along the Aqua Vista frontage in order to maintain the existing residential character of Aqua Vista as much as possible. There was also a request to maintain a cherry tree located in front of the property within the Aqua Vista right-of-way. The Planning Commission finds that landscaping shall be provided as shown on the approved site plan, including but not limited to tree planting along the street frontages and landscaping along a portion of the south property line. The existing cherry tree within the Aqua Vista right-of-way shall be preserved and maintained if possible.

- 3. Parking.** Six residential units require 9 parking spaces (1.5 spaces/unit). If the 1,500 square feet of commercial space is all retail, 8 additional parking spaces are required (1 space/200 sq. ft.). Total required parking for 6 residential units and 1,500 square feet of retail is 17 spaces.

Seventeen (17) parking spaces are proposed including 9 residential spaces, 5 commercial spaces assuming 1 space is needed for every 300 square feet of floor area (office), and 3 guest spaces. If all of the commercial space is retail, the guest spaces could actually be commercial spaces and therefore satisfy the parking requirement. Note that if the commercial space is proposed to be converted to an eating or drinking establishment in the future, the one parking space for every 100 square of floor area would need to be satisfied.

Some of the parking is proposed to be within the Aqua Vista right-of-way. The five commercial spaces are proposed to be head-in spaces with about ½ of the spaces on the private property and ½ within the right-of-way. Additionally, the three guest parking spaces are within the right-of-way and a portion of one residential space is in the right-of-way. The Planning Commission finds that required off-street parking spaces need to be located entirely within the subject lot.

- 4. Traffic and Lighting.** The City received a request that the Planning Commission consider the existing residential character of Aqua Vista Loop, particularly with regards to traffic and lighting. The nearby property owner is hopeful that no outside lights will be placed on the property so as to avoid light coming onto surrounding property and to maintain the ability to see stars at night. The Planning Commission finds that the development needs to adhere to Yachats Municipal Code standards.
- 5. Lot Consolidation.** The subject site currently consists of two lots. Buildings are not permitted to be located on more than one tax lot. Prior to approval of a building permit the two lots will need to be consolidated into one tax lot.

**Conclusions and Final Order**

It is ORDERED by the Yachats Planning Commission that the request for increased density be and is hereby approved. Said approval is subject to the following conditions:

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1. **Proposed Development and Density.** Approval is based on the submitted plan including a density of no less than 2,223 square feet of land per dwelling
2. **C-1 Standards.** The development shall adhere to all C-1 standards including, but not limited to, a maximum 30 foot building height, minimum 60 foot setback from the centerline of Highway 101, and minimum 10 foot setback from the west property line.
3. **Screening and Landscaping.** A solid fence and landscaping shall be provided along the entire west property line. The fence shall be three feet in height along the first 16 feet from the Aqua Vista property line (16' is the building setback from the front property line) and six feet in height for the remainder of the property.

Landscaping shall be provided as shown on the approved site plan, including but not limited to tree planting along the street frontages and landscaping along a portion of the south property line. The existing cherry tree within the Aqua Vista right-of-way shall be preserved and maintained if possible.

4. **Parking.** A minimum 17 parking spaces shall be provided as shown on the approved site plan. All required parking spaces shall be provided on-site.
5. **Lot Consolidation.** Prior to approval of a building permit, the applicant shall provide documentation that the two existing tax lots have been consolidated.

This ORDER was presented to and approved by the Yachats Planning Commission on July 26, 2010.

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Katherine Guenther, Yachats Planning Commission Chair

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Date