

1. 10:00 A.M. Agenda

Documents:

[2024-04-09 Planning Commission Special Meeting Agenda V2.Pdf](#)

2. 10:00 A.M. Meeting Materials

Documents:

[Yachats Draft Code Amendments.12.19.23.Pdf](#)

[1-PAR-PC-24 Findings And Conclusions.pdf](#)

[Planning Commission Issues List.pdf](#)

3. Additional Documents Added

Documents:

[TITLE 9 DEFINITIONS - Code Searchn- JT.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION
WORK SESSION AND SPECIAL MEETING

Tuesday, April 9, 2024, at 10:00 am
To Be Held Via Zoom & In Person Located at:
Commons Bldg., Civic Meeting Room 1
441 Hwy 101 N., Yachats OR 97498

Join Zoom Meeting

<https://us02web.zoom.us/j/87461950197>

Meeting ID: 874 6195 0197

Special Meeting

- I. Meeting Called to Order
- II. Citizens' Concerns (limited to items not on the agenda, 5-minute limitation per person)
- III. Findings & Conclusions: Case File #1-PAR-PC-24 (Elk Mountain Properties LLC)

Work Session

- I. Commissioner Introductions
- II. Proposed Amendments to YMC Title 9
- III. Brief Discussion of ADUs

This meeting is open to the public and all interested persons are invited to attend the ZOOM Meetings. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. The minutes of this meeting is the Audio Tape which will added to the packet after the meeting within 24 hours. In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541- 547-3565 or Oregon Relay 1- 800-735-2900 (TDD) two days in advance. POSTED 4/5/2024 By: Neal Morphis, City Clerk

Proposed Amendments to the Yachats Municipal Code, Title 9 – Zoning and Land Use

(December 2023 Final Draft)

In 2022, the Planning Commission and City Planner identified problematic provisions of Title 9, Zoning and Land Use, of the Yachats Municipal Code and proposed appropriate amendments. The work began by focusing on two Code sections – 9.04.020. Purpose, and 9.04.030. Definitions. The following is the final draft of the Commission’s proposed amendments approved at their December 2022 meeting, including a new section for the determination of height of buildings.

In 2023, the Planning Commission continued its work on problematic provisions of Title 9. This final draft now presents additional proposed changes to Title 9, specifically within the R-4 Residential Zone and C-1 Retail Commercial Zone, and Conditional Uses, for hotels, motels, resorts, inns, and hostels, and Off-Street Parking for hostels, as well as adding new conditional use permit standards and criteria. In addition, new site plan submittal requirements are included for Conditional Uses.

Title 9 – Zoning and Land Use

Section 9.04.020 Purpose.

The following text shall substitute for the existing Purpose text:

“The purpose of this title is to establish a set of zoning, subdivision, and land development regulations for the City designed to protect and promote the public health, safety, and general welfare, advance the position of Yachats as a small, coastal community, and achieve the following objectives:

1. Fulfill the goals of the City of Yachats Comprehensive Land Use Plan.
2. Ensure that land uses complement the natural beauty of Yachats’ location and its environment, which has led to Yachats’ long-standing reputation as “The Gem of the Oregon Coast.”

3. Guide the establishment of public, commercial, professional and residential uses, including their siting, design materials, and landscaping, within reasonable variation, so that they shall enhance rather than detract from the quiet coastal ambiance of the City.
4. Ensure that sufficient vacant and redevelopable buildable land shall be zoned for residential uses to accommodate the projected increases in year-round and part-time populations and to provide a choice of housing location, type and price, to meet the needs of the Yachats community.
5. Ensure that new businesses shall be of an appropriate scale to retain and enhance the small-town, oceanside character of the Yachats community.
6. Protect residential, commercial, and public areas from the intrusion of incompatible uses, and insure preservation of adequate space for commercial, professional and other activities necessary for a healthy economy.
7. Promote safe and efficient movement of people and goods without sacrifice to the quality of Yachats' environment, and to provide for adequate off-street parking.
8. Encourage new development to use energy-efficient design, siting, and construction materials and methods.
9. Protect and enhance the City's natural, historic, and scenic resources, including the Yachats River estuary, City shorelands, and City water supply.
10. Regulate activities within geologic hazard areas of the City and limit development that may affect the integrity of steep slopes or impact fire hazards."

Section 9.04.030 Definitions.

The term "apartment" and its definition will be deleted.

The term "Porch" will be separated from the existing term "Deck/Porch" and defined separately.

The term "Lot Coverage" and its definition will be deleted, favoring instead the new term "Impervious Surface Ratio" and its definition.

The following new or revised definitions shall be added to, or substituted for, the existing definitions:

“Bed and Breakfast Facility”

“Means any single-family dwelling containing rooms for rent in accordance with Section 9.72.050 of YMC, excluding any dwelling that meets the definition of Dwelling, Vacation Rental.”

“Building Code”

“Means building, fire, safety, and other codes adopted by state, county and municipal agencies.”

“Building Coverage”

“Means the portion of the lot area that is covered by buildings. The area of the buildings shall be measured at their exterior perimeter. Buildings include dwellings, accessory structures, garages and carports.”

“Clear Vision Area”

“Means a triangle defined on two (2) sides by a minimum distance along vehicle pathways from the intersection of the curb line or, where no curb exists, the edge of the street, alley, or driveway surface edge, and on the third side by the line across the corner of the nonintersecting ends of the two (2) other sides. See the regulations of Section 9.64.010.A of this Title.”

“Deck”

“Means an unenclosed structure or platform, constructed outdoors, that may either be independent or attached to a building and is intended for the purpose of outdoor dining, lounging, and other similar accessory use.”

“Dwelling”

“Means a building or portion thereof which is occupied in whole or in part as a residence, either permanently or temporarily, by one or more families, but excluding hotels, motels, and resorts, with permanent provision for living, sleeping, eating, food preparation, and sanitation. Dwellings include both buildings constructed on-site and manufactured homes.”

“Dwelling, Accessory”

“Means an accessory structure specifically designed and permitted as an additional dwelling, which is incidental, appropriate, and subordinate to a primary dwelling on a property.”

“Dwelling, Vacation Rental”

“Means a single-family dwelling, duplex, or multi-family dwelling which is rented, or held out as available for rent, either in full or in part, for periods of less than thirty (30) days, such as by the day or week, excluding any facility that meets the definition of “bed and breakfast facility.” The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however: a) each individual unit is to be considered separately for licensing and regulation purposes in accordance with Chapter 4.08 of YMC, and b) no more than one (1) individual unit may be located in a single dwelling in the R-1 District; no more than two (2) individual units may be located in the R-2 District; and no more than five (5) individual units may be located in the R-3, R-4, and C-1 Districts. A dwelling that is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation or reputation are some of, but not limited to, the ways of identifying a vacation rental.”

“Existing grade”

“Means the existing condition of the elevation of the ground surface at the time of permit application and which represents (1) the natural grade prior to placement of fill on the site or the excavation or removal of earth from the site, or (2) the manufactured grade following the completion of an approved grading operation including grading approved in conjunction with the subdivision of a site.”

“Finished grade”

“Means the final grade of the site after all clearing and grading has been completed that conforms to an approved clearing and grading plan.”

“Height of Building”

“Means the maximum vertical height of a building or structure measured from average finished grade to the highest point of a building or structure. (See Section 9.52.171 of the YMC for determining the height of a building.)”

(A new section – 9.52.171. Determining the Height of Buildings, is proposed at the end of this document that includes narrative and illustrative explanations for determining the maximum vertical height of buildings.)

“Hotel”

“Means any building used for lodging other than a motel or resort, containing six (6) or more guest rooms available for rent on a short-term [thirty (30) or fewer days], or long-term (extended stay), basis. The building has a lobby and check-in area, and is designed with interior corridors for accessing rooms without being outside. Guest rooms may include kitchen facilities, and guest amenities may include pool, gym, lounge, and accessory commercial uses such as restaurants, bars, gift shop, or day spa.”

“Hostel”

“Means budget-priced transient lodging where a traveler typically rents a bed in a shared room with communal bathrooms and access to shared kitchen facilities.”

“Impervious Surface”

“Means a surface that has been compacted or covered with a layer of material so that it prevents or is resistant to the infiltration of water, including, but not limited to, structures such as roofs, buildings, storage sheds; other solid, paved, or concrete areas such as streets, driveways, sidewalks, parking lots, patios, decks, porches, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials.”

“Impervious Surface Ratio”

“Means a measure of the intensity of the use of a piece of land. It is measured by dividing the total area of all impervious surfaces within a site by the gross lot area.”

“Inn”

“See **Hotel** or **Motel**.”

“Lot line, Street Side”

“Means the side lot line at abutting street.”

“Motel”

“Means any building or group of buildings used for transient lodging other than a hotel or resort, containing six (6) or more guest rooms or units for rent on a short-term [thirty (30) or fewer days] basis. The building(s) is designed so that ingress/egress to guest rooms is from

outside the building and a short distance from parked vehicles. Guest rooms may include kitchen facilities, and guest amenities may include a pool, gym, limited food and beverage services, lounge, and accessory commercial uses such as a gift shop.”

“Parking Space, Accessible”

“Means an off-street parking space for handicap access to or from a vehicle, designed in accordance with any local, state or federal laws, including the federal Americans with Disabilities Act (ADA).

“Parking Space, Off-street”

“Means a parking space located outside of a public right of way, the numbers and dimensions of which are as required by Chapter 9.48 of YMC. Off-street parking spaces shall have all-weather surfaces such as gravel, pavement, tile, brick, or concrete suitable for parking a vehicle.”

“Patio”

“Means a paved outdoor area adjoining a structure.”

“Porch”

“Means a covered area adjoining an entrance to a building and usually having a separate roof.”

“Resort”

“Means any building or group of buildings used for transient lodging other than a hotel, motel, or inn, containing six (6) or more guest rooms or units for rent on a short-term [thirty (30) or fewer days] basis, and designed primarily to accommodate vacationers, conferences, or events such as weddings. The building(s) have a lobby and a check-in area, and often occupy sufficient land area for multiple lodging options, conference facilities, guest amenities (ex. pool, tennis, gym), vehicle (including RV) parking, and accessory commercial uses, such as restaurants, bars, gift shop, day spa, and the like.”

“Site Plan”

“Means a two dimensional plan accurately drawn, clear, measurable, and fully dimensioned, of a property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this code.”

“Transient Lodging”

“Means any facility, structure, or portion thereof occupied or intended or designed for occupancy by a guest or guests who pay rent or other consideration for dwelling, lodging, or sleeping purposes for a period of thirty (30) or fewer days.”

“Yard”

“Means an open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.”

“Yard, Front”

“Means an area lying between the side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.”

“Yard, Rear”

“Means an area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.”

“Yard, Street Side”

“Means a yard on a corner lot that is adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.”

Proposed new section related to Height of Building:

Section 9.52.171. Determining the Height of Buildings.

“Calculating maximum vertical building height shall be accomplished as follows, and as illustrated below: Establish the finished grade at each building or structure primary corner. For each side of the building or structure, calculate the average finished grade. Add the average finished grades for all sides and divide by the number of sides. This will result in the average finished grade for the entire building or structure. Maximum vertical building height shall be measured from that point.

For purposes of calculating maximum vertical building height, use finished grades immediately adjacent to the building or structure's primary walls."

(SEE ATTACHED PDF)

*Amending **Chapter 9.24 R-4 Residential Zone, Section 9.24.020 Permitted Uses**, by modifying paragraph K. as follows:*

"K. Motel, hotel, inn, or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses."

*Amending **Chapter 9.24 R-4 Residential Zone, Section 9.24.030 Conditional Uses**:*

by modifying paragraph P. as follows:

"P. Motel, hotel, inn, or resort on less than 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses."

and by adding a new paragraph Q. as follows:

"Q. Hostels."

(Note to Commission and City Planner: We need to be sure that an applicant for a hotel, motel, inn, or resort cannot come in under paragraph K. of Conditional Uses.)

*Amending **Chapter 9.24 R-4 Residential Zone, Section 9.24.040 Standards**:*

by deleting paragraph A.4 in its entirety and re-lettering the remaining provisions;

by modifying paragraph G. Vehicle Access, by striking the words "...or to a motel.." from the first sentence.

*Amending **Chapter 9.28, C-1 Retail Commercial Zone, Section 9.28.020 Permitted Uses**, by modifying paragraph N. as follows:*

"N. Motel, hotel, inn, or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses."

*Amending **Chapter 9.28, C-1 Retail Commercial Zone, Section 9.28.030 Conditional Uses**:*

by modifying paragraph T. as follows:

“T. Motel, hotel, inn, or resort on less than 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”;

by modifying paragraph V.1, for formula businesses, as follows:

“1. Motel, hotel, inn, or resort on a minimum of 1.0 acre with direct access provided from U.S. Highway 101 only and with or without accessory commercial uses.”

and by adding a new paragraph U., and re-lettering thereafter, as follows:

“U. Motel, hotel, inn, or resort on a minimum of 1.0 acre, without direct access provided from U.S. Highway 101, and with or without accessory commercial uses.”

and by adding a new paragraph W. as follows:

“W. Hostels.”

Amending Chapter 9.52. Supplementary Use and Design Standards, by adding a new Section 9.52.190 Standards for Hotels, Motels, Inns, and Resorts:

“A. Standards for motels, hotels, inns, or resorts:

1. Ingress or egress to a motel, hotel, inn, or resort shall not be allowed from less than a thirty-five (35) foot public street right-of-way and a twenty-five (25) foot all weather travel surface, accessible to emergency vehicles;
2. Motels, hotels, inns, and resorts shall not have vehicle access to or from a cul-de-sac or dead end street;
3. Parking areas associated with motels, hotels, inns, and resorts which are adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height, except where vision clearance is required;
4. Motels, hotels, inns, and resorts shall be designed to provide safe and direct access by emergency vehicles, as determined by the Yachats Rural Fire Protection District;
5. Except for security lighting for pathways, parking areas, and building doors, outdoor lighting fixtures for motels, hotels, inns, and resorts shall be extinguished every day between the hours of 11:00 p.m. to 5:00 a.m..”

*Amending Chapter 9.72. **Conditional Uses, Section 9.72.010 Authorization to grant or deny conditional use permits**, by adding a new paragraph B as follows, and re-lettering the paragraphs that follow:*

- B. Prior to taking action on a conditional use permit application, the Planning Commission shall consider whether the proposed use complies with the following general standards and criteria:
 - 1. The proposed use conforms with the Yachats Comprehensive Plan.
 - 2. The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
 - 3. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.
 - 4. The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
 - 5. Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.
 - 6. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.
 - 7. The proposal complies with all applicable provisions of the Yachats Municipal Code, or where the applicant has identified where the proposal does not comply, the applicant has obtained a Variance for such in accordance with Chapter 9.80 of this Code.
 - 8. Activities and developments within special purpose districts must comply with the regulations described in Section 9.52.050 (Geologic Hazard), Chapter 9.36 (Estuary Natural), and Section 9.54 (Flood Hazard), as applicable.

*Amending **Chapter 9.72. Conditional Use, Section 9.72.020, Procedure for Taking Action on a Conditional Use Application**, to read as follows:*

- A. "A property owner, contract purchaser, etc. may initiate a request for a Conditional Use by filing an application with the City Recorder.
- B. The application shall consist of a completed Conditional Use application form signed by the property owner and contract purchaser or agent, if applicable, and a Basic or Detailed Site Plan, as specified below.
- C. Application for approval of the following uses permitted by Conditional Use shall include the submittal of a Basic Site Plan:
 - 1. Home Occupation
 - 2. Temporary Real Estate Office

3. Bed and Breakfast Facility
 4. Residential Facility
 5. Private Boat Dock
- D. Basic Site Plan – Two dimensional plan accurately drawn, clear, measurable, and fully dimensioned, showing the following information:
1. Written scale, graphic scale, and north arrow.
 2. Property boundaries with dimensions of each boundary.
 3. Building setbacks to property lines.
 4. Required off-street parking spaces and space dimensions.
 5. Required yards, including streetside setback, if applicable.
 6. Driveway and point(s) of ingress and egress.
 7. Existing fences, walls, and hedges at property boundaries.
 8. All zoning tabulations.
- E. Application for approval of all other uses permitted by Conditional Use shall include submittal of a Detailed Site Plan.
- F. Detailed Site Plan – Two dimensional plan accurately drawn, clear, measurable, and fully dimensioned, showing the following information:
1. Date drafted, space(s) for revision date, with north arrow, drawn to scale of one inch equals twenty (1"=20') feet, unless otherwise approved by the City Planner.
 2. Written and graphic scale, if other than 1"=20'.
 3. Total gross and net land areas of the entire site. ("Net" is minus the square footage of any land proposed for dedication to the public, not including easements.)
 4. Label and show the lengths of all existing property lines of the development site.
 5. Label and show the zoning designations, property boundaries, land uses, and approximate building locations of all adjacent properties.
 6. Label and show the locations, widths, and names of all existing or platted adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way, and other important features such as City boundary lines.
 7. Either as part of the detailed site plan, or on a separate sheet drawn to the same scale as the site plan, existing site features shall be shown, including ground topography (contours), wooded or naturally vegetated areas, trees of 8 inches diameter of breast height (DBH) or greater, floodplains, shorelines, wetlands, riparian corridors, geologic hazard zone, and any existing buildings, roads, trails, fences, or other physical improvements, and all existing easements.
 8. Label and show all existing natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed swales, ditches, or other drainage ways.
 9. Location, dimensions, use, coverage, and height of proposed buildings and proposed improvements in relation to property and street lines. Clearly indicate and label existing and proposed building elements, and their dimensions to adjacent property lines.

10. Dimensional features showing compliance with the applicable area, width, coverage, yard, vision clearance, natural resource protection standards, and other design standards as specified in this Chapter.
 11. Location, dimension, and arrangements of proposed site elements including sidewalks, parking areas, site access, and interior circulation, off-street loading and unloading, trash disposal areas, and lighting for these areas.
 12. Zoning tabulations based on the underlying zone or zones if split, including minimum lot area and proposed lot area (measured in square feet, or acres if exceeding one (1) acre); maximum gross floor area and proposed gross floor area, if applicable; maximum residential density and proposed residential density (measured in dwelling units per acre), if applicable; minimum yard areas and proposed yard areas; maximum building height and proposed building height, as defined and calculated in accordance with Section 9.52.171 of the Yachats Municipal Code; maximum building and impervious lot coverage and proposed building and impervious lot coverage; and minimum required parking and proposed (off-street) parking.
 13. Location, dimensions, and arrangement of all areas devoted to open space, retention of existing trees and vegetation, proposed ground cover, trees and other native plantings, and recreation.
 14. A copy of the last recorded subdivision plan of which the property is part.
 15. Locations and designs of all on-site and off-site improvements related to access control and traffic capacity.
 16. State or County Road Approach Permit, if applicable.
 17. Any application for conditional use shall be accompanied by fully dimensioned design drawings, elevations, and plans for any proposed principal building or structure, or any addition to an existing principal structure. Drawings shall provide building height, materials, and colors to be used.
- G. In the case where any or all of the above are unnecessary as in the case of a change of use in an existing structure, the City Planner shall determine which items in subsection (1) through (17) of this section will not be required for application. The Planning Commission may request additional items if they determine that these additional items are necessary to understand and make a decision on the application.
- H. If the request for Conditional Use meets the requirements of this title, the City Recorder shall set a time for a public hearing on the request before the Planning Commission within forty (40) days from the filing thereof and shall cause notice to be given in accordance with Section 9.88.060.
- I. At the conclusion of the public hearing, the Planning Commission may approve, approve with conditions, or deny the request, based upon the general and specific standards addressing the Conditional Use, pursuant to Chapter 9.88.

*Amending **Chapter 9.72. Conditional Uses, Section 9.72.050 Standards and Procedures Governing Conditional Uses**, by deleting paragraph A.*

*Amending **Chapter 9.48 Off-Street Parking and Loading, Section 9.48.010 General Requirements** by modifying paragraph L.3 as follows:*

“3. Motel, hotel, inn, or resort: one (1) space per guest room; hostel: one-half (1/2) space per bed.”

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

Request for 2-Lot Partition

Case File #1-PAR-PC-24

Applicant: Elk Mountain Properties, LLC

FINDINGS AND CONCLUSIONS

OWNER/APPLICANT: Elk Mountain Properties, LLC

Nature of the Application

The applicant proposes to partition an existing 8.36-acre parcel into two parcels, Tract A and a Residual Parcel. Tract A would be designated as common area (open space) for the Fisterra Planned Unit Development (PUD) and the Residual Parcel would remain available for development in accordance with the previous Fisterra PUD Findings and Conclusions (or, Orders).

Relevant Facts

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

1. The subject site is located in the northeast section of Yachats. The site is east of Highway 101 and the Sea-Aire Assisted Living Facility, west of the Siuslaw National Forest, and north of the Yachats Memorial Park, and further identified on Lincoln County Assessors Map #14-12-23-CC as tax lot 3101.
2. The subject site is zoned R-3 Residential with a comprehensive plan map designation of residential.
3. The existing lot totals 8.36 acres.
4. There are no existing structures on the subject site.
5. The Fisterra Garden Apartments and Fisterra Townhomes are located northwest of the subject property. The Sea-Aire Assisted Living Facility and several single-family dwellings are located immediately west of the property. The Siuslaw National Forest is located east of the site and undeveloped residential land is located south of the site.

Findings and Conclusions

6. Existing utilities available to the property include City of Yachats water/sewer and Central Lincoln PUD electricity.
7. The subject property consists of some steep slopes. Tract A contains “Fern Gully” as well as a portion of the Ya'Xaik Trail.
8. The applicant submitted the required application form and fee, along with a narrative addressing the background of the Fistera PUD and the proposed partition.
9. A public meeting was held before the Yachats Planning Commission on March 19, 2024 at 2:00 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.
10. No written testimony was submitted. The applicant presented testimony and answered questions at the March 19, 2024 meeting. No additional oral testimony was offered.

Relevant Criteria

Relevant Yachats Zoning & Land Use Code criteria are identified by title below. Complete descriptions of the relevant criteria are included in the staff report and are herein incorporated into the record.

Yachats Municipal Code

- Section 9.20.040 - R-3 Residential Zone Standards
- Section 9.56.020 - General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions
- Section 9.56.040 Partition Procedure for Dividing Land

Findings

The following is a summary of the Planning Commission findings:

1. **YMC Section 9.20.040 R-3 Standards.** The following table identifies the applicable R-3 standards and the proposed 2-lot partition.

Standard	Minimum Requirement	Proposed Tract A	Proposed Residual Parcel
Lot Size	6,000 sq. ft.	3.1 acres (135,036 sq. ft.)	5.25 acres (229,126 sq. ft.)
Lot Width at front bldg. line	50 ft. for interior lot 55 ft. for corner lot	~150 ft.	~650 ft.
Avg. Lot Depth	80 ft.	825.53 ft.	175 ft. to 600 ft.

The above table demonstrates that the two proposed parcels meet the minimum R-3 lot size, lot width and lot depth standards.

2. Yachats Municipal Code Section 9.56.020 - General Requirements and Minimum Standards of Design and Development for Partitions and Subdivisions

- A. Conformity to the Comprehensive Plan.
Planning Commission Findings: No change resulting from partition.
- B. Access.
Planning Commission Findings: No change resulting from partition. The Residual Property has access from Highway 101.
- C. Relation to Adjoining Street System.
Planning Commission Findings: No change resulting from partition.
- D. Easements.
Planning Commission Findings: No change resulting from partition. The recorded CC&Rs establish easements necessary for access to Tract A.
- E. Public Accessways.
Planning Commission Findings: No change resulting from partition.
- F. Lots and Parcels.
Planning Commission Findings: Tract A exceeds the maximum depth to width ratio of three and one-half (3.5) to one. Given that Tract A is to be dedicated open space, this standard is not a concern.
- G. Performance Agreement.
Planning Commission Findings: If any plat within the Property is to be recorded prior to construction of the required improvements, Applicants will post the required Performance Agreement.
- H. Water.
Planning Commission Findings: No change resulting from partition. City water is available.
- I. Sewer.
Planning Commission Findings: No change resulting from partition. City sewer is available.

3. Conformance with Fisterra PUD Preliminary Plan Approval.

City staff verifies that the proposed partition application is consistent with the 2007 preliminary approval of the Fisterra PUD, as well as all subsequent modifications.

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.
- 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 #1-PAR-PC-24 and is hereby approved. Said approval is subject to the following conditions:

- 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. At the time of receipt and approval of the partition plat, the Applicant shall provide the City with a copy of the deed dedicating Tract A as open space and conveying Tract A to the Fisterra Association, an Oregon nonprofit corporation.
- 3. All future development of the Residual Parcel shall comply with the Fisterra PUD Preliminary Approval and any subsequent modifications.

Marc Sakamoto, Yachats Planning Commission Chair

Date

PLANNING COMMISSION ISSUES LIST 04/09/24

Item #	Description	Assigned	Due Date	Status
1	Schedule next training session	KG		03/12: KG to talk to Hui about guidance on best practices to update Comp Plan. 02/23: Coordinate with Hui on next topic(s) and date.
2	Complete Wetland Inventory	KG		03/12: No update from ODSD. Link to State Lands Inventory to be added to links page. 02/23: Pending response from ODSD.
3	Continue Implementation of Yachats Parking Mgmt Plan	LD		03/19: LD sent email and will meet with Public Works to discuss. 03/12: Public Works will probably implement portions of the plan at a time. LD to meet with Public Works to discuss next steps.
4	Obtain City Council approval of updates to Title 9			02/23: Need review by DLCD. 03/12: PC members to review and familiarize themselves with content. Need review schedule added to application. KG to put out marked up version.
5	Amend Title 9 for Housing Implementation Plan			03/12: Waiting to see if 2024 State budget contains money to fund another round of grants. KG to check if what other communities. 02/23: Determine if there will be a next round of DLCD funding. Contact Cascadia Partners to get estimate of cost of hiring them to complete task. have made changes for HIP.
6	Revise/update City Comprehensive Plan			03/12: PC to wait on #1, #5 or #8 before proceeding. 02/23: Commissioners to review existing and prioritize which section(s) to work on.
7	Update application fees	KG		03/12: Bobbie committed to meet with KG soon. 02/23: KG to meet with Bobbi to set fees.
8	Ordinance for ADU's			03/12: KG to look at getting copies of Waldport ordinance as well as relevant parking ordinances.
9	Add to Urban Growth Boundary			4/09: State passed legislation allowing for increase of UGB up to 50 acres with reduced requirements. Should city pursue?
10	Credit at COG			04/09: City has credit at COG for possible consultant. Could we use for HIP?

TITLE 9 DEFINITIONS
Code Search and Comments
(January 6, 2023)

At their December 20th, 2022 meeting, the Planning Commission approved proposed draft amendments to Title 9, Zoning and Land Use, specifically Sections 9.04.020 Purpose, 9.04.030 Definitions, and adding a new Section 9.52.171 Determining the Height of Buildings. Such amendments will need to be reviewed and adopted by the Mayor and City Council upon the conduct of a public hearing prior to taking effect. To facilitate changes to several terms and their definitions in Section 9.04.030, a word search of the Code was conducted to identify potential conflicts between existing and proposed terms. The results of that search are documented below. In some cases, additional changes to the Code text will be necessary, and are also discussed below.

APARTMENT – this definition is being deleted. The word was found 13 times in City Code, but no changes are required. Dictionary definition will suffice.

LOT COVERAGE – this definition is being deleted and the new term “Impervious Surface Ratio” is being added. 14 occurrences of “Lot Coverage” were found. This term cannot simply be replaced with “Impervious Surface Ratio” wherever it is used within the Code because the two do not have the same meaning. “Lot Coverage” as defined today applies only to buildings and structures, while “Impervious Surface Ratio”, as proposed, applies to buildings, structures, and any other impervious surfaces proposed for a lot (e.g. concrete, asphalt, gravel, patio, deck, etc.). The new term will require a little more study by the PC and City Planner before it can be added. The PC should also ensure that new impervious surface ratio requirements, which will likely vary by zoning district, allow for a reasonable amount of cover in relation to minimum lot size.

BED AND BREAKFAST facility – the phrase was found in City Code 11 times. No changes are required.

BUILDING CODE – The phrase was found in City Code 12 times. No changes are required.

BUILDING COVERAGE – Since today’s “Lot Coverage” definition equates to “Building Coverage”, it is recommended that where used, the term “Lot Coverage” be replaced with “Building Coverage”. In some cases, a building coverage standard may be unnecessary if an impervious surface ratio maximum is included.

CLEAR VISION AREA - This phrase is only used in Section 9.64.010 of City Code. However, the text for the pending Fences, Walls, and Hedges amendment not only has a different “Clear Vision Area” definition, but references to “Clear Vision Area” are made in Sections 9.12.040;

9.16.040; 9.20.040, 9.24.040; 9.48.010; and 9.64.010 of the amendment. Prior to returning the Fences, Walls, and Hedges amendment to City Council for a vote, the PC should ensure that the proposed definition of “Clear Vision Area” included in that amendment is consistent with that proposed for the Title 9 Definition changes.

DECK – Deck is used 5 times, and no changes are required.

DWELLING – The term is used 53 times in the City Code. There is another definition in Section 4.08.020. It is recommended that the definition in 4.08.020 be changed to refer to the new definition of “Dwelling” proposed for Title 9.

DWELLING, ACCESSORY (ADU) – ADU is not found in the City Code. “Additional dwelling” is found once.....no conflict. The PC will need to determine which of the existing residential zoning districts should allow ADU’s as a permitted use, and whether ADU’s should also be permitted in the existing commercial district. Also, the PC and City Planner should determine if a minimum lot size is necessary to permit an ADU in addition to a principal dwelling, and if any other standards should be applied.

DWELLING, VACATION RENTAL – Vacation rentals are defined in detail in Section 4.08.020. However, the PC decided that that definition in 4.08.020 should be deleted, and replaced with the new definition proposed for Title 9. Within Section 4.08.020, a cross-reference to the new zoning definition should be added. Also, the term “Dwelling, Vacation Rental” should be added as a permitted use in all residential districts.

EXISTING GRADE – The phrase “Existing grade” is not found in City Code. There are 8 sections making reference to “Natural grade,” and others which refer to “Natural grade or Finished grade” for the computation of the “Height of Building” (below). Sections that would need to change to use only “Finished Grade” include: 9.12.040.C, 9.52.180A.3, 9.16.040, 9.28.030, 9.20.040, and 9.24.040.

FINISHED GRADE – Refer to the sections referenced above for needed changes.

HEIGHT OF BUILDING – There are 5 references to the calculation of building height in Sections 9.12.040.C, 9.16.040, 9.20.040, 9.24.040, and 9.28.030. Each of these sections should be modified to refer to the calculation proposed for the new Section 9.52.171.

HOTEL – There are several references to the term “Hotels and Motels.” This term should be expanded to include “Hotels, Motels, Inns, Resorts, or Hostels”. The PC should also decide if hotels, motels, inns, resorts, and hostels will all be permitted in the R-4 and C-1 Districts similar to how hotels, motels, and resorts are permitted today (e.g., by-right when having Hwy. 101 frontage and a lot size of over an acre; conditional use when not), and the PC needs to update/revise the standards that apply to these types of uses. This will require a bit more work by the PC and Katherine before the new term or terms are added.

HOSTEL – See “Hotel” changes above.

IMPERVIOUS SURFACE – There is one reference to “Impervious surface” in the City Code, in Section 9.52.050. No change is required.

IMPERVIOUS SURFACE RATIO – See “Lot Coverage” above.

INN – See “Hotel” changes above.

LOT LINE, STREET SIDE – No changes required.

MOTEL – See “Hotel” changes above.

PARKING SPACE, ACCESSIBLE – This term is not in the City Code. The PC may wish to eventually update the parking requirements of Title 9 to add accessible space standards.

PARKING SPACE, OFF-STREET – No changes required.

PATIO – No changes required.

PORCH – There are 8 uses of “Porch” in the City Code. No changes, other than the definition, are required.

RESORT – See “Hotel” changes above.

TRANSIENT LODGING – No changes required.

YARD – No changes required.

YARD, FRONT – Referred to in the Code as “Front Yard”. No changes required.

YARD, REAR – Referred to in the Code as “Rear Yard”. No changes required.

YARD, STREET SIDE – Referred to in the Code as “Side Yard”. Recommend that the term “Corner side yards”, wherever used, be replaced with “Yard, Street Side”, or “Street Side Yards.”