

1. 2:00 P.M. Agenda

Documents:

[2024-05-21 Planning Commission Regular Meeting Agenda V2.Pdf](#)

2. Meeting Material

Documents:

[1-CU-PC-24 Findings - Conclusions McCoy.pdf](#)

[Draft Code Amendments Final Markup - 5-21-24.Pdf](#)

[Planning Commission Issues List.pdf](#)



CITY OF YACHATS
PLANNING COMMISSION MEETING
Tuesday, May 21, 2024, at 2:00 pm
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/82730920856>

Meeting ID: 827 3092 0856

Regular Meeting

- I. Meeting Called to Order
- II. Announcements and Correspondence
- III. Citizens' Concerns (limited to items not on the agenda, 5-minute limitation per person)
- IV. New Business
- V. Ongoing Business
 - a. Discussion and possible vote on Title 9 Amendments
- VI. Reports
 - a. Commission Chairs' Meeting
 - b. Planner's Report
- VII. Other Business
 - a. From Commission
 - b. From Staff

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 5/17/2024 By: Neal Morphis, City Clerk

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

**Request for Conditional Use Permit
Case File #1-CU-PC-24**

FINDINGS AND CONCLUSION

Applicant

Denise McCoy

Nature of the Application

The applicant is requesting a conditional use permit for a fence of up to 8 feet in height. The proposed fence is adjacent to the north property line of the subject property, or the back yard.

Relevant Facts

1. The subject property is located at 263 Lemwick Lane and described on the Lincoln County Assessor's Map 14-12-22-DD as Tax Lot 811.
2. The subject property is located in the R-2 Residential zone. Within the R-2 zone, a fence of up to 8 feet in height is permitted as a conditional use.
3. The subject property totals 0.18 acres or 7,840.8 square feet. The lot dimensions are approximately 85' x 90'.
4. There is an existing single-family dwelling on the site.
5. Surrounding land uses consist primarily of single-family residences.
6. No development constraints were identified.
7. The applicant submitted the required application form and fee, and a narrative addressing the relevant sections of the Yachats Municipal Code.
8. A public hearing was held before the Yachats Planning Commission on April 16, 2024 at 2:00 PM to consider the applicant's request. Due notice of the hearing was given and all interested parties were given an opportunity to present testimony. The applicant was present to answer questions from the Commission. The applicant's application materials are herein incorporated into the record.
9. One letter of written testimony was entered into the record by the applicant at the public hearing.

Relevant Criteria

Relevant Yachats Municipal Code (YMC) criteria are identified below by title only. Complete descriptions of relevant criteria were provided in the staff report and are herein incorporated into the record.

YMC Chapter 9.16 R-2 Residential Zone

YMC Chapter 9.72 Conditional Uses

YMC Chapter 9.80 Variances

Findings

- 1) The language of subsection B7 of YMC Section 9.16.040 R-2 Residential Zone Standards is conflicting. However, the Planning Commission finds that the primary goal of the 6-foot limit on fence height is to preserve the view from neighboring properties.
- 2) The proposed fence will not negatively impact the view from neighboring properties.
- 3) The conditional use process is the appropriate process for considering increased fence height as the variance standards are extremely difficult to meet.

Conclusions

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

- A. The site under consideration is suitable for the proposed use considering the location.
- B. The proposed use is compatible with existing and projected uses on surrounding lands.
- C. The 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.

Order

It is ORDERED by the Yachats Planning Commission that the requested Conditional Use Permit for Case File #1-CU-PC-24 is hereby approved. Said approval is subject to the following conditions:

1. At no point shall the proposed fence exceed 8 feet in height.
2. The increased fence height shall only apply that portion of the backyard fence as shown in the application.

Marc Sakomoto, Planning Commission Chair

Date

Section 9.04.020 **Purpose.**

~~The purpose of this title is to promote the public health, safety and general welfare and to assist in carrying out comprehensive plans for the City including all future lands and subdivisions annexed into the incorporated City.~~

“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. ~~Encourage~~ ~~Ensure that~~ land uses ~~that~~ 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. ~~Encourage~~ ~~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. ~~Encourage~~ ~~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 ~~ensure~~ ~~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 ~~and sustainable~~ 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.**

As used in this title:

~~"Apartment" means a dwelling unit as defined in this section.~~

"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 non-intersecting ends of the two (2) other sides. See the regulations of Section 9.64.010 (A) of this Title.

~~"Deck/porch" means an outside walking area, the floor of which is elevated more than eight inches from grade.~~

"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 ~~or sleeping place~~, either permanently or temporarily, by one or more families, but excluding hotels, motels, and ~~tourist courts~~ 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 but; 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 plane on which the footprint of the structure meets the ground.

“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.

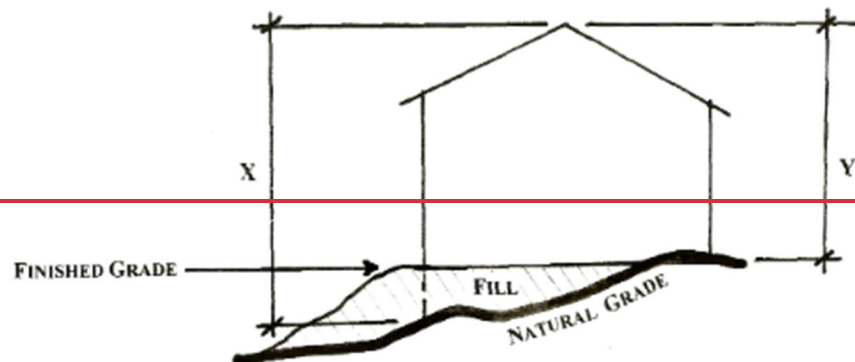
“Height of building”

means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade. To determine building height, calculate the average building height for each side: Add the shortest building height and the tallest building height, then divide the two building heights by two. Add together the average height for each side and divide by the number of sides.

TO DETERMINE BUILDING HEIGHT

“Height of building” means the vertical distance from the average finished grade to the highest point of the building plus any fill above the natural grade.

Step 1. Calculate the average height for each side of structure.



X = tallest building height

Y = shortest building height

$(X + Y) / 2 = \text{Average height (H)}$

Step 2. Add together the height for each side and divide by the number of sides.

$$\frac{H_1 + H_2 + H_3 + H_4}{4} = \text{average building height}$$

"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.)

~~"Hotel" means any building containing guest rooms which are rented or hired out to be occupied for sleeping purposes for guests, excluding any facility which meets the definition of "bed and breakfast facility."~~

"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 transient 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" - ~~Synonymous with~~ See Hotel or Motel.

"Lot line, Street Side" means the side lot line at abutting street. Katherine I have a note that you were going to reference the sections of the YMC that applied to this definition

~~"Motel" means a series of sleeping units, each having a separate entrance, composed of one or more bedrooms and bathroom, excluding any facility which meets the definition of "bed and breakfast facility."~~

"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 available 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" ~~"Off-street parking space"~~ means a parking space located outside of public right-of-way with minimum dimensions of 18 feet long and nine feet wide, the numbers, and dimensions and construction materials 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.~~

~~Required off-street parking spaces shall not be located in a required yard that abuts a street.~~

“Patio” means a paved outdoor area adjoining a structure.

~~“Porch” means an outside walking area, the floor of which is elevated more than eight inches from the ground.~~

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

~~“Resort” means a tourist-oriented establishment, having recreational, eating and sleeping accommodations located on the premises.~~

“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 available 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 a space other than a court on the same lot with a building open from the ground.~~

“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. “Front yard” means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the foundation of the main building.~~

“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. “Rear yard” means a yard extending across the full width of the lot between the most rear main building and the rear lot line; but for determining the depth of the required rear yard it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the center line of the alley, toward the nearest part of the foundation of the main building.~~

“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, Side. “Side yard” means an area adjacent to any side lot line the depth of which is the specified horizontal distance measured at right angles to the side lot line and being parallel with the side lot line.~~

“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.

Section 9.52.171 Determining Height of Building

See also:

Section 9.04.030 Definitions

Section 9.52.170 General exceptions to building height limitations

Height limitations as noted in other Sections

Calculating the maximum vertical Height of Building shall be accomplished as follows:

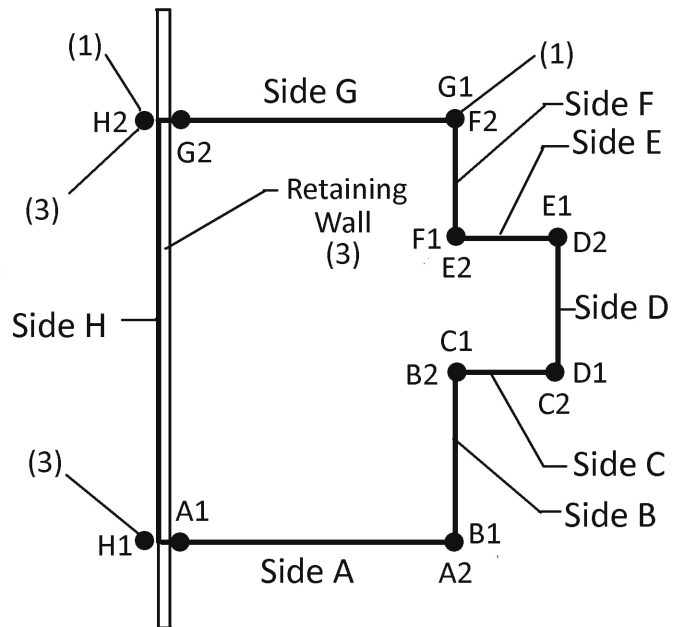
(1) Establish the finished grade immediately adjacent to the building or structure's primary walls at each corner.

(2) For each side of the building or structure calculate the average finished grade. Utilize grades at each corner of each side of the building, and divide by two. See Example.

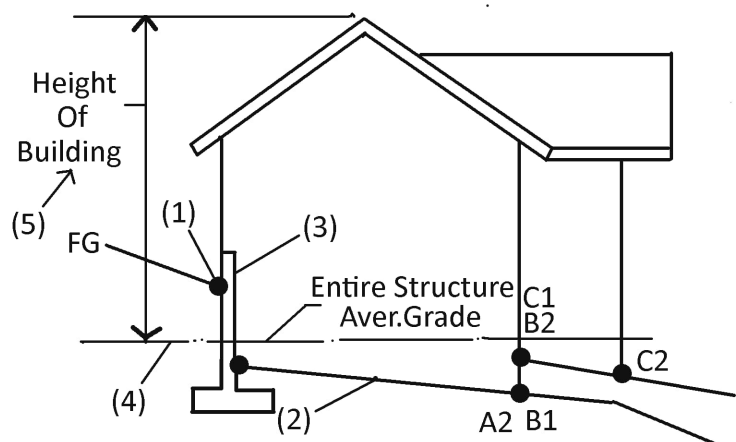
(3) Where a retaining wall occurs on one or more sides, the finished grade at the high side of retaining wall shall be used for that side, and the finished grade at the low side of the retaining wall shall be used for the adjacent intersecting sides.

(4) Add the average finished grades for all sides and divide by the number of sides = Average Finished Grade for the entire structure. See Example.

(5) **Height of Building** shall be the distance from the Average Finished Grade for the entire structure to the highest point of the building or structure.



(2) EXAMPLE: Side Average = $\frac{A1 + A2}{2}$



(4) EXAMPLE: Average Grade for Entire Structure
= $\frac{A+B+C+D+E+F+G+H}{8}$

PLANNING COMMISSION ISSUES LIST as of 05/14/24

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		04/16: KG sent email to State for update. 04/09: No update. 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		05/14: Public works to provide city with update. 04/16: LD to meet with Public Works tomorrow for update. 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			05/14: At DLCD for review. Completed review of draft with PC today. Final review 05/21. Postponed public meeting to 07/16. 04/09: Waiting on marked up version. Review in 05/14 Work Session. Present in public meeting 06/18. 03/12: PC members to review and familiarize themselves with content. Need review schedule added to application. KG to put out marked up version. 02/23: Need review by DLCD.
5	Amend Title 9 for Housing Implementation Plan			05/14: Funding for implementation approved by state. Waiting to see review scope of work document from Cascadia Partners. Will review plan with PC. 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			05/14: On hold to see if can be included with HIP. Collecting information from various sources. 04/09: Present concept in public forum prior to writing ordinance. 03/12: KG to look at getting copies of Waldport ordinance as well as relevant parking ordinances.
11	Consolidate minor updates to ordinances			04/16: Minor error in Fences and Hedges standard pointed up need to identify and consolidate into one list other minor changes/corrections to ordinances. KG to retrieve existing list for review.

CLOSED PLANNING COMMISSION ISSUES

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? With no expressed need to expand, decided not to pursue. CLOSED
10	Credit at COG			05/14: With state funding for HIP and money in budget from planning consultation, will not need COG. CLOSED. 04/09: City has credit at COG for possible consultant. Could we use for HIP? Bobbi to look into this. May not be that straightforward.